

**TENNESSEE BOARD OF PHARMACY  
MAY 15 - 16, 2007  
ROOM 160 – DAVY CROCKETT TOWER  
NASHVILLE, TN**

**BOARD MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Terry Grinder, Interim Executive Director  
Alison Z. Cleaves, Chief Legal Counsel  
Martha Agee, Board Administrator

The Tennessee Board of Pharmacy convened on Tuesday, May 15, 2007, in Room 160 of the Davy Crockett Tower, 500 James Robertson Parkway, Nashville, Tennessee. A quorum of the members being present, the meeting was called to order at 9:05 a.m. CDT, by Dr. Sheila Mitchell, President. Interim Executive Director, Dr. Terry Grinder, introduced the newest office staff, Mrs. Louise Takashima to the Board. Mrs. Takashima will be maintaining various statistical data and records for the Board. President Sheila Mitchell and the Board extended a welcome to Mrs. Takashima.

**APPROVAL OF THE MINUTES**

The minutes of the January 30 - 31, 2007 board meeting were presented and reviewed by the Board. Dr. Robert Mitchell motioned to **accept** the minutes; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**CONSENT ORDERS**

**ANGELA D. JENNINGS, RT  
3318 Egypt Central  
Memphis, TN 38128**

Alison Cleaves, chief legal counsel, presented a Consent Order for the Revocation of Angela Jennings' pharmacy technician registration whereas she admitted to theft and diversion of controlled substances from the pharmacy. Mrs. Monica Franklin motioned to **accept** the

Consent Order for Revocation; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**WESLEY C. MATTHEWS, RT**  
**3606 Ian Drive**  
**Johnson City, TN 37604**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the Revocation of Wesley Matthews' pharmacy technician registration whereas he admitted to theft of controlled substances from the pharmacy. Mrs. Monica Franklin motioned to **accept** the Consent Order for Revocation; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**SHELIA MORRIS, RT**  
**120 Tammy Lane**  
**Hohenwald, TN 38462**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the Revocation of Shelia Morris' pharmacy technician registration as she admitted to consuming controlled substances while at work and diversion. Dr. Todd Bess motioned to **accept** the Consent Order for Revocation; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**TOM BREWER, DPH**  
**183 Cedar Bluff Drive**  
**Winchester, TN 37398**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the indefinite suspension of Dr. Tom Brewer's license due to the admission of being chemical dependent. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Bob Mitchell. All were in favor and the motion carried.

**JAMES COOK, DPH**  
**1214 Topside Road**  
**Louisville, TN 37777**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the indefinite suspension of Dr. James Cook's license whereas he admitted being addicted to alcohol and other drugs. Dr. Todd Bess motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**JOHN ATWELL, DPH**  
**617 Oakley Glen Drive**  
**Lenoir City, TN 37772**

Chief legal counsel, Mrs. Alison Cleaves presented a Consent Order for the Reinstatement of License for Dr. John Atwell. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**BRUCE BADGER, DPH**  
**1708 Carrington Court**  
**Old Hickory, TN 37138**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the Reinstatement of Dr. Bruce Badger's license with a probationary term of five (5) years. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**AMELIA FLANDERS, DPH**  
**108 Valley Lane**  
**Crossville, TN 38555**

A Consent Order for the Reinstatement of Dr. Amelia Flanders' license was presented by Mrs. Alison Cleaves, chief legal counsel. Dr. Robert Mitchell motioned to **accept** the Consent Order; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**JOHN HOLLIS, DPH**  
**4704 Chalmers Drive**  
**Nashville, TN 37215**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the Reinstatement of License for Dr. John Hollis. Mrs. Cleaves noted Dr. Hollis had initialed and marked through section "h" of the Consent Order relevant to the terms and conditions for serving as a pharmacist-in-charge. For the record, during Dr. Hollis' appearance before the board on March 29 -30, 2007, Dr. Hollis mentioned he was the owner of a compounding pharmacy and the Board deleted the language contained in section "h" of the Consent Order for Reinstatement in its entirety. Dr. Julie Frazier motioned to **accept** the Consent Order for Reinstatement; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**SHERRIE L. PITTMAN, DPH**  
**2011 Miami Drive**  
**Johnson City, TN 37601**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Dr. Sherrie Pittman was in violation of Rule 1140-2-.01 (1) relevant to a misfilled prescription being dispensed. Dr. Pittman was assessed a civil penalty of \$500. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**JEFFREY G. STREET, DPH**  
**534 Highland Church Road**  
**Johnson City, TN 37601**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order on behalf of Dr. Jeffrey Street who was in violation of Rule 1140-2-.01 (1) relevant to refilling a prescription more frequently than prescribed. Dr. Street was assessed a civil penalty of \$1,000. Dr. Robert Mitchell motioned to **accept** the Consent Order; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**WILLIAM YEBOAH, DPH**  
**3100 Lakebrook Blvd., #138**  
**Knoxville, TN 37909**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Dr. William Yeboah was in violation of Rule 1140-3-.01 (1) (a) relevant to the failure to provide patient counseling on a new prescription which resulted in the patient receiving the wrong prescription. A civil penalty of \$100 was assessed to Dr. Yeboah. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**GEORGE C. YOUNG, III, DPH**  
**8246 Mill Race Drive**  
**Ooltewah, TN 37363**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Dr. George Young was in violation of Rule 1140-3-.01 (1) (a) for failure to provide patient counseling which resulted in the patient receiving a misfilled prescription. A civil penalty of \$100 was assessed to

Dr. Young. Dr. Julie Frazier motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**LARCO PHARMACY**  
**100 West 3<sup>rd</sup> Street**  
**Cookeville, TN 38501**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order whereas Larco Pharmacy was in violation of T. C. A. §63-10-506 (a) in regards to operating as a pharmacy with an expired pharmacy license for approximately fourteen (14) months from January 31, 2006 to April 3, 2007. Larco Pharmacy was assessed a civil penalty of \$1,400. Dr. Julie Frazier motioned to **accept** the Consent order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**RITE AID #1151**  
**14978 Rankin Avenue**  
**Dunlap, TN 37327**

A Consent Order was presented by Mrs. Alison Cleaves, chief legal counsel, whereas Rite Aid #1151 was in violation of Rule 1140-3-.01 (1) (a) for failure to provide patient counseling which resulted in the patient receiving a misfilled prescription. A civil penalty of \$500 was assessed to the pharmacy. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**BRANDY LIANE LANE, RT**  
**7118 Cane Hollow Road**  
**Hixson, TN 37343**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the Revocation of Ms. Brandy Lane's pharmacy technician registration due to the admission of the consumption of marijuana. Dr. Todd Bess motioned to **accept** the Consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**FORMAL HEARING**

**GLEN C. BROOKS, DPH**  
**828 Old Hickory Blvd.**  
**Brentwood, TN 37027**

**Docket No.: 12.12.-095013A**

The Honorable James Hornsby, Administrative Law Judge with the Secretary of State's office presided at the hearing to consider the matter of the revocation, suspension of Dr. Glen Brooks' license to engage in the practice of pharmacy and the pharmacy license for Brooks Pharmacy. The Notice of Hearing and Charges were filed with the Secretary of State's Office on March 22, 2007. Judge Hornsby requested a roll call vote be taken for the record. The board members present for the hearing were: Dr. Sheila Mitchell, Dr. Robert Mitchell, Mrs. Monica Franklin, Dr. Todd Bess, Dr. Bettie Wilson, Dr. Larry Hill and Dr. Julie Frazier. Representing the State of Tennessee was Mrs. Alison Cleaves, Chief Legal Counsel for Regulatory Boards of the Department of Commerce and Insurance. Dr. Glen Brooks was represented by attorneys, Mr. Jack Butler and Mr. Dale Hardin. On March 22, 2007, a teleconference was held to consider the summarily suspension of licenses for Dr. Glen Brooks and Brooks Pharmacy.

Judge James Hornsby noted to the Board the Respondent will not be taking the stand or answering any questions. The Respondent will not be calling any witnesses nor taking the stand. Mr. Jack Butler, attorney, stated Judge Hornsby's statement is correct.

Mrs. Alison Cleaves, chief legal counsel, advised the Board that Dr. Brooks has exhibited an incapacity of a nature that prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill, confidence and safety to the public and been guilty of dishonorable, immoral, unethical or unprofessional conduct.

Chief legal counsel, Mrs. Alison Cleaves, introduced Dr. Terry Grinder, Interim Executive Director of the Board of Pharmacy and is the official keeper of the records. Dr. Grinder attested to the fact that Dr. Glen Brooks was granted license number #2863 on June 22, 1962, which is currently suspended. Brooks Pharmacy located at 4701 Trousdale, Nashville, Tennessee was originally licensed on August 5, 1963, license number #914, which is suspended.

Mrs. Alison Cleaves, chief legal counsel, called witness Detective Randy Martin, with Nashville Police Department's Narcotics Division to testify, who was sworn in by the court reporter. Detective Martin testified Dr. Brooks had been dispensing prescription medications to patients, including controlled substances, without having an authorized prescription from the medical doctor. In an interview conducted on January 31, 2007 with Special TBI Agent Shelley Smitherson and Detective Randy Martin, Dr. Brooks admitted to the allegations and stated he was trying to help those individuals.

On or about October, 2006, Dr. Brooks dispensed Lortab to a patient with the initials "TB", who did not have a prescription for the medication and Dr. Brooks would often dispense the Lortab in an unlabeled bottle.

Detective Martin stated a police informant with the first initial "T", who was wired with sound and video, contacted Dr. Brooks as she needed a little more help. Patient "T" had a valid prescription for Methadone and Dr. Brooks gave patient "T" five (5) 40 mg. Methadone without having a valid prescription.

A patient with the first initial "M", who was being treated for substance abuse, was dispensed Ultram by Dr. Brooks without having a valid prescription. Detective Martin stated he had stopped patient "M" after leaving Brooks Pharmacy and she had Ultram in her possession. Dr. Brooks stated she did not have a prescription but would be bringing one in later.

Detective Martin stated records indicate in the middle of December, a patient with the initials "RH" had a valid prescription for one-hundred (100) Lortab, but only fifty (50) tablets were dispensed. Dr. Brooks changed the tablet amount of the patient's Lortab prescription without prescriber authorization. Dr. Brooks dispensed approximately six-hundred (600) Lortab tablets to patient "RH" within one (1) month, which was observed via video. Dr. Brooks substituted patient "RH" prescription for Robaxin with Soma without prescriber authorization. The doctor denied prescribing Soma for this patient.

Detective Martin indicated patient "RJ" was dispensed Lortab without having a valid prescription. Through surveillance, it was observed on every Wednesday, patient "RJ" would carry a box of wine and place in Dr. Brooks' vehicle in exchange for the medications, which was not being dispensed directly to the patient.

A patient with the first initial "E" was dispensed Xanax and Vicodin when the patient did not have a prescription.

Detective Martin stated a patient with the first initial "J" was dispensed Lortab, Xanax and Soma when she did not have a prescription for the medication. Dr. Brooks dispensed thirty (30) Lortab tablets and approximately twenty (20) to forty (40) Xanax tablets on a weekly basis without a prescription.

A patient with the first initial "R" was dispensed Hydrocodone. Patient "R" had a valid prescription but when the prescription ran out, Dr. Brooks would fill the Hydrocodone if the patient would bring a new prescription into the pharmacy.

Detective Martin stated in reference to a patient with the initials "BM", he would prefer not to give out any information on this case as the individual died of drug overdose.

Detective Martin advised the Board that Dr. Brooks has been very cooperate during the investigation. Detective Martin noted the activities of Dr. Brooks were observed by surveillance video and a police informant.

Judge Hornsby advised the Board it must prepare a statement relevant to the #1. Finding of Facts; #2 Conclusions of Law; and #3 Policy Statements.

## **FINDING OF FACTS**

Dr. Julie Frazier motioned to accept the Allegations of Fact with the following changes:

(6) (c) change "On or about February" to "January"

(6) (i) delete

Dr. Robert Mitchell seconded the motion. During discussion, Dr. Todd Bess requested to add under (6) (c) Tramadol. Dr. Frazier accepted the amendment to the motion; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

### **CONCLUSION OF LAW**

Dr. Julie Frazier motioned to accept the Conclusions of Law - #1 Finding of Fact #(6) (d) (e) (f) (g) and (h); #2 (6) (d) ; #3 (6) (c); #4 4 - 6 or inconclusive; #5 (6) (c) and (d); #6 All items 4 - 6; #7 (6) (d); #8 (6) (a); #9 (6) (d) and #10 All of the items. Dr. Todd Bess seconded the motion. All were in favor and the motion carried.

Dr. Julie Frazier motioned to **revoke the licenses of Dr. Glen Brooks and Brooks Pharmacy**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

### **POLICY STATEMENT:**

Dr. Julie Frazier motioned it is the duty of this Board to protect the health, safety and welfare of the citizens of the State of Tennessee and to revoke the licenses of Dr. Glen Brooks and Brooks Pharmacy. Dr. Robert Mitchell seconded the motion. All were in favor and the motion carried.

### **WAIVERS**

**JIMMY EDDLEMON, DPH**  
**2775 Anthony Cove**  
**Nesbit, MS 38651**

Dr. Terry Grinder, interim executive director, stated Dr. Jimmy Eddlemon is requesting a waiver of Rule 1140-1-.07 (3) (b) (5) relevant to completing a period of pharmacy internship for the reinstatement of his pharmacist license. Dr. Julie Frazier motioned to **request additional information** relevant to Dr. Eddlemon's work history since January, 2006; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**EARL SCONIERS, DPH**  
**749 Hayes Court**  
**College Park, GA 30349**

Interim Executive Director, Dr. Terry Grinder, noted at the January 30 - 31, 2007 board meeting, the Board motioned to defer the period of pharmacy internship hours pending a favorable score

on the MPJE relevant to the reinstatement of Dr. Sconiers' license pursuant to Rule 1140-1-.07 (3) (b) (3) and (5). Dr. Sconiers received a favorable score on the MPJE and would like for the Board to re-consider the period of pharmacy internship and whether these hours can be completed in Georgia. Dr. Sconiers original state of licensure is Tennessee and he now resides in Georgia. Dr. Julie Frazier motioned **if Dr. Sconiers has been actively practicing in Georgia, to waive the internship hours. If not, to deny the waiver and grant Dr. Sconiers the ability to obtain those hours in Georgia.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

**CAROL SPANN, DPH**  
**1543 Murphy Drive**  
**Rockwall, TX 75087**

Dr. Terry Grinder, interim executive director, advised Dr. Carol Spann is requesting a waiver of Rule 1140-1-.07 (3) (b) (5) relevant to the requirement to complete a period of pharmacy internship of one-hundred sixty (160) hours within ninety (90) consecutive days. Dr. Spann is employed full time in Texas and is unable to come to Tennessee to complete the internship hours and since she is actively practicing, inquired if the hours could be waived. Dr. Spann has signed up to take the MPJE. Dr. Julie Frazier motioned to **waive** the internship hours; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**PAIGE AKERS, DPH**  
**309 Jane Briggs Avenue**  
**Lexington, KY 40509**

Interim Executive Director, Dr. Terry Grinder, advised Dr. Paige Akers is requesting a waiver of Rule 1140-1-.07 (3) (b) (5) relevant to the requirement to complete a period of pharmacy internship of one-hundred sixty (160) hours within ninety (90) consecutive days. In January 31, 2006, Dr. Akers requested inactive/retired status as she would not be returning to Tennessee to practice pharmacy and now will be moving to Tennessee. Dr. Julie Frazier motioned to **grant** the internship hours; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**ELDERSCRIPT SERVICES, LLC**  
**144 S. Thomas Street #101-1**  
**Tupelo, MS 38801**

Dr. Jamie Gunnels has submitted a waiver request on behalf of Dr. Amanda Milam and Dr. Robert Sidwell of Rule 1140-3-.14 (13) to allow them being the designated pharmacist in charge at more than one (1) pharmacy practice site. Elderscript services nursing homes and utilizes Pyxis machines in these facilities which are connected to the pharmacy in Mississippi. Dr. Amanda Milam is currently the PIC at Manchester Health Care and is requesting to be PIC at Crestview Nursing Home. Dr. Robert Sidwell is currently the PIC at Atrium and is requesting PIC status at Imperial. The Board has received a controlled substance inventory and the PIC statement. Dr. Julie Frazier motioned to **allow** the waiver request; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**CHRISTY LUCAS, DPH**  
**1607 Loch Leigh Way**  
**Maryville, TN 37801**

Dr. Christy Lucas is requesting a waiver of Rule 1140-3-.14 (13) relevant to the requirement that the designated PIC shall be on duty a minimum of fifty percent (50%) of the hours the pharmacy is in operation. Dr. Lucas is currently the PIC at K-Mart and wants to maintain her current status but cannot work the forty (40) hours per week since her husband will be deployed overseas for active duty. Dr. Robert Mitchell motioned to **grant until deployment ends**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**SKYLINE WOMEN'S HEALTH ASSOCIATES PHARMACY**  
**1210 Briarville Road #C**  
**Madison, TN 37115**

Dr. Norman Noffsinger is requesting a waiver of Rule 1140-1-.12 (3) (d) and (e) relevant to the requirement that the pharmacy shall occupy a space of not less than one hundred (180) square feet and shall have hot and cold running water. Skyline Women's Health is a specialty and closed door pharmacy and will fill only certain prescriptions generated by the physicians within the group. The pharmacy will not stock drugs other than the "specialty" drugs and will only open

on an "as required" basis. Dr. Todd Bess motioned to **grant** the request; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

## **LEGAL REPORT/COMPLAINTS**

### **1. L05-PHR-RBS-200421675**

Complainant filed against Respondent, pharmacist, alleges that an internal investigation of the loss prevention department produced a CCTV tape showing the Respondent removing a bottle from the shelf in the area where the Alprazolam was stocked and placing the bottle in his pocket and then later into a bag; however, a copy of the CCTV tape cannot be located by the BOP. A later controlled substance inventory showed shortages of approximately 5,600 various strengths of Hydrocodone w/ APAP and 1,800 Alprazolam 1mg. After being shown the CCTV tape, Respondent stated that he had prescriptions for the Alprazolam and Hydrocodone w/ APAP and stated that he had taken one (1) Alprazolam tablet prior to having a script, but then brought in a script the next day. Investigator pulled all of the original prescriptions for the Respondent and found them to be authentic since they are in the physician's own handwriting.

*Prior complaints:*

**Recommendation: Authorize formal hearing; (authorize settlement with a \$500.00 civil penalty and two year term of probation)**

Dr. Julie Frazier motioned to **accept counsel's recommendation** with a two (2) year term of probation; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

### **2. Case No.: L07-PHR-RBS-200706013**

During a May 3, 2007 compliance inspection, investigator observed three (3) customers picking up prescriptions through a drive-thru without any counseling performed or any offer to counsel. Investigator reviewed the rules relative to patient counseling with the PIC and staff and the PIC reviewed the rule with staff while investigator was present.

*Prior complaints: None*

**Recommendation: Authorize formal hearing; Consent Order with \$500.00 civil penalty against pharmacy; \$100.00 civil penalty to dispensing pharmacist and LOI to PIC about patient counseling**

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

### **3. Case No.: L07-PHR-RBS-200705619**

Complainant alleges that the Respondent pharmacy shorted him on his two (2) prescriptions (drug names were not provided in the complaint or the response). Complainant said that both prescriptions were for ninety (90) count and that they were each shorted ten (10) tablets.

PIC states that this is the first time that they have heard about shorted prescriptions from the Complainant. The prescriptions were written for ninety (90) count each and pharmacy records

indicate that the Complainant received the entire quantity. When PIC was made aware of this complaint, he states that he immediately checked the pharmacy's perpetual inventory and the counts were exact.

*Prior complaints: None*

**Recommendation: Dismiss**

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

**4. Case No.: L07-PHR-RBS-200705557**

Complainant alleges that her husband's prescription for a narcotic was shorted by fifty (50) pills; Complainant claims that the prescription was written for one hundred and twenty (120) tablets and she received only seventy (70). Complainant says she contacted the pharmacy and asked them to count their inventory; pharmacy staff told her they had and that their counts were correct.

Pharmacist in duty states that they did not find any discrepancy in their counts. He also states that all narcotics, Schedules II, III and IV and double counted and stamped on the label with stamp indicating that it has been done.

PIC was present when the prescription for Oxycodone ER 80mg, 120 was filled. The medication was double counted and he handed it to her specifically stating that it was double counted. PIC questions why the Complainant waited so late in the day after the prescription was filled to complaint about the count. Also, PIC recalls a previous incident involving the Complainant in which the Complainant filed a police report stating that her bag of medication containing schedule drugs was snatched outside the pharmacy door.

*Prior complaints:*

*Pharmacy: 1999- Unauthorized refill – Letter of Reprimand; 2004- Medication Error - \$250.00 civil penalty.*

**Recommendation: Dismiss**

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

**5. Case No.: L07-PHR-RBS-200705546**

Complainant alleges that he had two (2) different prescriptions filled for the patient – one for Lortab and the other for Percocet at two (2) different pharmacies within the same chain and that both prescriptions were shorted pills. Complainant states that the Lortab prescription was shorted four (4) or five (5) tablets and the Percocet prescription was short by one (1) pill. Both prescriptions were picked up by a caregiver and not the patient.

PIC responded to the complaint relative to the Percocet prescription. She does not admit that the prescription was misfilled with the incorrect quantity, but states that when the patient called the pharmacy about being shorted a tablet, pharmacist obtained a prescription from the doctor for one (1) tablet and gave that additional tablet to the patient.

*Prior complaints: None*

**Recommendation: Dismiss**

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

**6. Case No.: L07-PHR-RBS-200705406**

Complainant alleges that the pharmacy shorted him tablets in his prescription and lost a prescription as well. Complainant further alleges that he was accused by pharmacy staff of being a racist.

Pharmacist states that there was one incident in January, 2006 in which the Complainant's doctor phoned in a prescription and then later faxed in a prescription for with the same strength and directions. Pharmacy staff thought it was a duplicate, so they discarded the faxed prescription, realizing later that the doctor wanted the Complainant to have both prescriptions. Staff rectified the situation and filled both scripts. In or around March, 2007, the Complainant dropped off three (3) prescriptions to the pharmacy and returned the following day stating that he turned in an additional script for a controlled substance and wanted the pharmacy staff to locate the lost prescription. When the pharmacist contacted the doctor, doctor indicated that he did not give the patient an additional prescription to fill. In December, 2006, the Complainant accused the pharmacy staff of miscounting his controlled medication. Based on Complainant's past history, pharmacist and pharmacy staff counted the tablets six (6) times before giving it to the Complainant.

*Prior complaints:*

*Pharmacy: 1999- Dismissed*

*PIC: 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.

**7. Case No.: L07-PHR-RBS-200705416**

Complainant alleges that she has witnessed a jail nurse call in unauthorized prescriptions to the retail pharmacy and the pharmacists have filled the prescriptions without verifying that they were ordered by the jail doctor or nurse practitioner.

PIC states that to prepare medication for jail inmates, the prescriptions are faxed every morning from the jail and it is the PIC understanding that the prescriptions are authorized by a physician.

Also, attached as a response is a letter from the Sheriff's office indicating that the jail nurse faxes over the prescriptions that are authorized by a physician.

*Prior complaints:*

*Pharmacy: 2003- Medication Error – Letter of Warning; 2004- Excessive Refills- Open Complaint*

**Recommendation: Dismiss**

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

**8. Case No.: L07-PHR-RBS-200705280**

Complaint was generated from a newspaper article about a doctor prescribing medications without a legitimate doctor/patient relationship. Article also indicates that the Respondent pharmacy filled many of these prescriptions.

Investigation into the pharmacist revealed that there was no way to determine if the pharmacist knew that prescriptions were being written by the doctor without seeing the patients. Also, the investigator pulled prescriptions and could not find any wrongdoing by the pharmacist.

**Recommendation: Dismiss**

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.: L05-PHR-RBS-200419652**

Complaint provides that after an audit of the Respondent's pharmacy, audit showed a loss of approximately 146 x 16 oz. of Hydrocodone Cough Syrup; however, the audit was conducted after the pharmacy was burglarized in June, 2004. Respondent's substance abuse evaluation did not have any clear indication that the Respondent had a substance abuse problem. Respondent's urine screen was negative.

**Recommendation: Dismiss**

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

**10. Case No.: L07-PHR-RBS-200705448**

Complainant alleges that on the following four (4) separate occasions, the pharmacy refused to fill his prescriptions or filled it improperly: (1). Pharmacy ordered the Complainant's pain medication and said it would be in on a certain day, but the pharmacist refused to give it to him; (2). Pharmacy refused to fill Complainant's prescription for Keflex; (3). Pharmacy refused to fill Complainant's prescription for Amoxicillin; (4). Complainant wanted the brand name of Hydromet Syrup and not the generic and took her prescription back.

In response PIC states the following: (1). Pharmacy did attempt to order the medication, but it was unfortunately out of stock. When the Complainant went to pick up the medication, PIC explained the situation to her and offered to fill it with a generic. Patient refused and left with the prescription; (2). Patient presented with a prescription for Keflex 500mg. The patient demanded that it be filled with a brand name, but pharmacy staff informed her that the pharmacy does not carry the brand name, only the generic; (3). Patient presented with a prescription for Amoxicillin 500mg. The patient demanded that it be filled with the brand name, but pharmacy only stocked the generic; and (4). Patient presented with a prescription for Hydromet Syrup. She demanded the brand name, but it was not in stock and refused the

generic. Pharmacy staff attempted to inform patient that they contacted the physician and he authorized substitution of the generic; however, patient took the prescription back and had it filled elsewhere.

*Prior complaints: None*

**Recommendation: Dismiss**

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

**11. Case No.: L07-PHR-RBS-200705449**

Complainant alleges that he brought a prescription for Celexa; prescription allowed for generic substitution, but Complainant requested that the prescription be filled with the brand name. The pharmacy filled the prescription with a generic.

PIC responded that the prescription was not DAW, although the Complainant thought it was "brand name only". Pharmacy did not refuse to fill the brand name; they were trying to help the patient save him \$27.00 by filling it with a generic.

*Prior complaints:  
Pharmacy: None*

**Recommendation: Dismiss**

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

**12. Case No.: L07-PHR-RBS-200705461**

Complainant alleges that her prescription (medication not identified) was short by three (3) tablets. Complainant called the pharmacy when he returned home and the pharmacist told him that his medication comes pre-packaged in quantities of nine (9) and my prescription called for twelve (12) pills. Pharmacy was only going to give him nine (9) pills because they were not going to twelve (12) because that would break up a package. Complainant went to another pharmacy and got the other three (3) tablets.

PIC responded stating that it had been the pharmacy policy not to break up packages to prevent misfilled prescriptions. At the time that the Complainant had her prescription filled, the pharmacy only had nine (9) tablets in stock, that they would only bill her insurance for the nine (9) tablets and that she could get the remaining three (3) tablets at another time. PIC attributes this complaint to a miscommunication between pharmacy staff and the Complainant.

*Prior complaints:  
Pharmacy: 2006- Medication Error - LOW*

**Recommendation: Dismiss**

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

**13. Case No.: L06-PHR-RBS-200208728**

Complainant alleges that her daughter received medication that was prescribed for another patient. The daughter consumed the incorrect medication which caused her to experience nausea and vomiting.

The PIC at the time the incident occurred responded to the complaint and provides that the mistake occurred, but could not provide any explanation as to how it happened. Since that incident, he indicates that they have made a lot of work flow changes, started using baskets for each patient, and had staff meetings to about the importance of double-checking. PIC cannot remember whether the prescription was a new or a refill prescription and therefore cannot comment on whether patient counseling was performed in accordance with BOP rules.

*Prior complaints:*

**Recommendation: Letter of Warning**

Dr. Robert Mitchell 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-200705933**

Complaint provides that the Respondent, pharmacist, relapsed and is chemically addicted to Tussionex syrup. Respondent admitted that he consumed the Tussionex and a CCTV camera at the pharmacy revealed that he consumed an indeterminate amount of the syrup that he obtained from the pharmacy shelf, and that he did not have a prescription for it. DEA 106 form show a loss of 5cc Tussionex liquid 10 mg and a loss of 5cc of H.C. Tussive 2.5mg.

*Prior complaints:*

*1997- Revocation for chemical dependency; 1998 placed on probation for a period of five (5) years.*

**Recommendation: Authorize formal hearing; Consent Order for Revocation**

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

**15. Case No.: L07-PHR-RBS-200705685**

Complainant alleges that he submitted two (2) prescriptions to be filled at the pharmacy. Upon submitting his prescriptions, the Complainant requested brand name medications because he previously experienced an allergic reaction to the generic medication. Despite his request, the generic was dispensed to him. Complainant consumed the generic drug and experienced an allergic reaction.

PIC responded to the complaint admitting that generic drugs were dispensed instead of brand names when the Complainant specifically requested the brand name. Both the inputting pharmacist and the verifying pharmacist failed to see the note at the bottom of the prescription saying that the brand name medications were requested. PIC states that the volume of prescriptions filled that day contributed to the error.

*Prior complaints:*

*Pharmacy: 1995- Medication Error- Closed; 1999 – Patient received generic instead of the brand name - Closed*

**Recommendation: Letter of Warning to dispensing DPh**

Dr. Todd Bess motioned to **accept counsel's recommendation plus issue a Letter of Instruction to the PIC and to communicate to the pharmacy staff what the patient requests in regards to brand or generic.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

**16. Case No.: L07-PHR-RBS-200705674**

Complainant alleges that her prescription for Ultram was shorted tablets and that the pharmacist made her come back to the pharmacy to get the remainder of her prescription.

PIC responded to the complaint and stated that the Complainant had two (2) prescriptions, one for Ultram and the other for Ditropan XL. Complainant was notified by the automated system that her partial refill for her Ditropan XL was available. When Complainant spoke to the PIC, she stated that she was unaware of any partial refill. Relative to the Complainant's Ultram prescription, Complainant's claim for her Ultram ER 100 mg #90 was rejected, but could be filled at a later date. Although Complainant's prescriber called in another prescription for a different strength of Ultram (Ultram ER 300mg); the pharmacy did not have this medication in stock. PIC let the Complainant know and told her that they would be ordering the different strength from a secondary supplier.

*Prior complaints:*

*Pharmacy: None*

**Recommendation: Dismiss**

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

**17. Case No.: L07-PHR-RBS-200704672**

Complainant, a physician, alleges that the pharmacy failed to allow him to speak to one of the pharmacists to ask about their failure to fill a prescription and about drug interactions for that patient. Complainant alleges that he was on the phone with the pharmacy for approximately forty-five (45) minutes asking for a pharmacist and his request was refused. Complainant states that he prescribed a ninety (90) day prescription for Pamelor early. She had been on 50 mg per day and that was increased to 100 mg per day at her last appointment. Based on the increased dosage, the patient had run out of her medication about three (3) weeks too early. When the patient submitted the new prescription to the pharmacy, it was denied as being too early. This prompted the Complainant's phone call to the pharmacy.

*Prior complaints: None*

**Recommendation: Letter of Warning**

The Board took no action.

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

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

*Prior complaints:*

**Recommendation: Dismiss**

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

**19. Case No.: L07-PHR-RBS-200705457**

Complainant alleges that the pharmacist was unprofessional in that he loudly asked her in front of other patients what she was taking the prescription medication for and indicated that he was asking because the prescription was written strangely by the physician. Complainant had to say her condition in front of other customers.

Pharmacy manager retrained all pharmacy staff about HIPAA after this incident.

*Prior complaints: None*

**Recommendation: LOI for potential HIPAA violation to the pharmacist**

Dr. Bettie Wilson motioned to **accept counsel's recommendation for confidentiality and unprofessional behavior**; seconded by Dr. Julie Frazier. All were in favor and the motion carried.

**20. L07-PHR-RBS-200705459**

Complainant alleges that her son's prescription for Sertraline was misfilled with the incorrect strength. The patient did not consume any of the incorrect medication.

PIC and dispensing pharmacist both responded stating that the misfill did occur in that the Complainant's son's prescription written for Sertraline 25mg was misfilled with Sertraline 50mg. When the patient noticed the error, pharmacist told the patient to bring the medicine back to the pharmacy so the error could be corrected. Dispensing pharmacist reported the incident to the PIC and spoke to the PIC about how to focus on workflow in the pharmacy to help prevent errors in the future.

*Prior complaints:*

**Recommendation: Letter of Warning to dispensing DPh**

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

**21. Case No.: L07-PHR-RBS-200705693**

Complainant alleges that the pharmacy failed to fill her prescriptions for Oxycodone 10/650 and Fentanyl 50mcg because it was too soon to fill them.

Dispensing pharmacist responded to the complaint stating that Complainant had prescriptions for the same medication filled at the pharmacy on November 14, 2006. Complainant brought in the prescriptions that are the subject of this complaint on December 10, 2006, which was a Sunday, making it impossible for the pharmacist to verify with Complainant's physician the increase in the frequency of the medication. Since the pharmacist did not have a relationship with the patient, she used her professional judgment and chose not to fill the prescriptions early. Complainant brought the prescriptions back on December 14<sup>th</sup>, but they could not be filled by the pharmacy because the medications were not in stock; however, the prescriptions were filled at another pharmacy on December 14<sup>th</sup>.

*Prior complaints: None*

**Recommendation: Dismiss**

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

**22. Case No.: L06-PHR-RBS-200604368**

Complainant alleges that the pharmacy lost her son's Ritalin prescription which was dropped off at the pharmacy on November 17, 2006. When the Complainant called the pharmacy back they told her that they gave the prescription back to the child's grandfather because it was too early to refill it.

PIC states that she has researched this complaint and she has found no evidence that this prescription was dropped off at the pharmacy on the date identified by the Complainant. PIC states that she was unaware of any problem with the prescription until she received the complaint and that the Complainant has continued to fill prescriptions for this drug at the pharmacy. PIC also stated that in 2006, Complainant brought in prescriptions sporadically indicating that the Complainant maybe using other pharmacies. The pharmacy staff who was working at the time of this incident are no longer employed with the pharmacy.

*Prior complaints:*

*Pharmacy: None*

*PIC: None*

**Recommendation: Dismiss**

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

**23. Case No.: L07-PHR-RBS-200604400**

Complainant, physician, alleges that the patient was prescribed Suboxone 2mg BID, sixty (60) tablets and instead received Suboxone 8mg BID, sixty (60) tablets. The patient consumed the incorrect dosage and experienced nausea and vomiting.

Respondent, PIC, states that the misfill did occur. Although the patient was counseled because this was a new prescription, the misfill occurred because of the PIC's lack of familiarity with the lower dose of the drug. PIC states that he has seen the prescription more commonly written as Suboxone 8mg/2mg and when he saw Suboxone 2mg, he did not call for clarification and assumed it meant 8mg/2mg. In an effort to prevent this error from happening in the future, the Respondent states that he will make himself more aware of drugs with multiple strengths and also ask for clarification from the prescriber.

*Prior complaints:*

*PIC: 1999- Shortage- Closed; 1996, Chemical Impairment, closed; Unprofessional conduct; closed*

*Pharmacy: 1996; Unprofessional conduct; closed*

**Recommendation: Letter of Warning to PIC (who was the dispensing pharmacist)**

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

**24. Case No.: L07-PHR-RBS-200705828**

Complainant alleges that she was not given a dosing device for the antibiotic prescription for her three (3) month old child. When Complainant returned home, she called the pharmacy and asked how she could find out how many milliliters were equivalent to a ¼ teaspoon and Complainant was told it was 3.75ml is equivalent to ¼ teaspoon. Complainant also felt that the pharmacy staff was laughing at her question. Complainant began to dispense the medication to the child, but then stopped because it seemed like it was too much. Complainant claims that it was triple the dosage amount that should have been given to the child.

PIC responded to the complaint and according to the pharmacy technician who spoke to the Complainant, technician thought the Complainant said ¾ of a teaspoonful. After this incident, the PIC had a meeting with the whole staff and informed them that if someone calls the pharmacy and asks to speak to the pharmacist to obtain their name and phone number in case the pharmacist is not able to speak to them immediately. Staff was also instructed to determine if the question pertains to a prescription filled at the pharmacy so that the patient profile can be accessed. If the pharmacy runs out of stock complimentary dosing devices, then the patient or caregiver should be directed to the aisle where they can buy one. PIC also had a conversation about how to avoid giving the incorrect perception through body language, tone of voice, etc.

*Prior complaints:*

**Recommendation: Letter of Warning**

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

**25. Case No.: L07-PHR-RBS-200705833**

Complainant alleges that the assistant manager at the pharmacy intentionally canceled her prescription for Xanax.

PIC responded to the complaint stating that the Complainant called in to have her prescription for Xanax refilled sometime during the week of February 19<sup>th</sup> through the 23<sup>rd</sup>. At that time, Complainant was told that it was too early to have it refilled, but it was set up to be automatically refilled on the appropriate date, February 25<sup>th</sup>. The script was filled on the 25<sup>th</sup>; however, on the 26<sup>th</sup> Complainant was told by a pharmacy staff who did not know that it had already been filled told the Complainant that it would take a while and put her in the line to be filled. The computer did not catch the duplicate fill and allowed it to be filled again. When it was brought to the attention of the Assistant Manager, she backed out the prescription recently filled since it was a duplicate and inadvertently cancelled the whole prescription. PIC states that the Assistant Manager did not cancel the prescription intentionally or maliciously and that it is even difficult to determine if the Assistant Manager or one of the other technicians canceled the prescription.

Prior complaints:  
Pharmacy: None  
PIC: None

**Recommendation: Dismiss**

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

**26. Case No.: L07-PHR-RBS-200705937**

Complainant alleges that the pharmacist filled a year's prescriptions for her husband for Insulin Levemir and Humalog. Complainant alleges that the insulin caused the patient to experience a rash and that the patient was told by the pharmacist to find another pharmacy.

PIC responded that the physician prescribed three (3) bottles each of Levemir and Humalog and that was what was filled and dispensed. The prescription label says refill until December 22, 2007 and that's what made the Complainant think it was a year's supply in one filling. PIC states that he did tell the Complainant to have her prescriptions filled elsewhere because she accused him of filling a whole year's supply and would not listen to him.

Prior complaints:  
Pharmacy: 2001, medication error, closed; 2001, medication error, Letter of Warning  
PIC: Same as above

**Recommendation: Dismiss**

Dr. Larry Hill motioned to **dismiss**; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

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

Complaint provides that the Respondent, pharmacy technician admitted to controlled substances from the pharmacy without a prescription. Police were notified and the Respondent's employment was terminated.

Prior complaints:  
Pharmacy: 1998, medication error, closed  
PIC: None

**Recommendation: Authorize formal hearing (CO for Revocation)**

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

**28. Case No.: L07-PHR-RBS-200705451**

Complainant alleges that the pharmacy consistently makes errors in filling his prescriptions. Complainant alleges that his prescription of one hundred and eighty (180) tablets of Coreg 25mg was misfilled with 12.5mg tablets. Complainant brought the misfilled prescription back to the pharmacy and it was misfilled once again with 6.25mg tablets.

Both the PIC and dispensing pharmacist replied to the complaint and both deny the misfills. Complainant's prescription was written for Coreg 12.5mg and it was filled with 12.5mg. Complainant did return to the pharmacy stating that the doctor should have prescribed 25mg. DPh spoke to the Complainant's physician and changed the prescription to 25mg. Complainant did return to the pharmacy stating that he received 6.25mg instead of 25mg. DPh states that the Coreg 25mg bottle was scanned correctly and the bottle had been placed in the check basket, passed to the pharmacist serving as a double check on the correct medication and strength used. DPh checked the inventory system to verify the quantities on hand at the time of dispensing and after dispensing. The Coreg 25mg matched the inventory management system and the Coreg 6.25mg were only six (6) pills off and not one hundred and eighty (180).

Prior complaints:

Pharmacy: None

PIC: None

**Recommendation: Dismiss**

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

**29. Case No.: L07-PHR-RBS-200705519**

Complainant states that she is a cancer and multiple sclerosis patient and that the pharmacy refused to fill her pain medications. Complainant also alleges that the pharmacy also called her PCP and stopped her prescriptions for her other medications.

DPh responded to the complaint stating that the patient had been receiving Lunesta, Fioricet and Zanaflex from Dr. A. Dr. B then called in a prescription for Vicodin. When they tried to fill the Vicodin, it was rejected from her insurance because it was a duplicate fill. DPh calls Dr. A and asks him if he wrote a prescription for a pain medication for the Complainant, to which Dr. A states no. DPh then calls the Complainant's insurance and they said that the Complainant had a prescription for Hydrocodone/APAP 5/500 filled at another pharmacy a few days earlier authorized by Dr. B. DPh then calls Dr. B and asks about what seems to be duplicate therapy. Dr. B said that the Complainant had a procedure and that the pharmacy could fill it when it was time; DPh put the prescription on hold where it remains. DPh then called Dr. A back to let him know that Dr. B prescribed both pain medications. Dr. A then told the pharmacist to fill the Fioricet and the Zanaflex, but not the Lunesta until he could talk to the patient.

Prior complaints:

Pharmacy: 2002, Unprofessional conduct, Dismissed

PIC: Same as above

**Recommendation: Dismiss**

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

**30. Case No.: L07-PHR-RBS-200705520**

Complainant alleges that the pharmacy did not take good professional care of his prescriptions and personal information. Complainant dropped off a new prescription and renewal prescriptions. Complainant was able to pick up the renewal prescriptions, but was told that they had no record of the new prescription. Ultimately, it was located and that it was placed in a bin with prescriptions to be filled the next day.

Prior complaints:  
Pharmacy: None  
PIC: None

**Recommendation: Dismiss**

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

**31. Case No.: L07-PHR-RBS-200705522**

Complainant alleges that her prescription for Lisinopril 40mg was misfilled with 10mg tablets instead. Complainant took the incorrect medication from December 13, 2006 to February 15, 2007, until the error was realized.

PIC admits that the misfill occurred because the prescription was read as 10mg instead of 40mg. None of the pharmacy staff called the physician for clarification because they were that certain that it was 10mg. When the Complainant returned in February, 2007 to voice her concerns, pharmacy staff contacted the physician immediately, corrected and dispensed the prescription, refunded the original cost, documented the case and apologized to the Complainant.

Prior complaints:  
Pharmacy: None  
PIC: 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.

**32. & 33. Case Nos.: L07-PHR-RBS-200705544, 200705545**

Complainants allege that the Respondent pharmacist violated the Board of Pharmacy rules relative to confidentiality and also violated HIPAA by giving a printout of the Complainant's prescriptions to her physician's wife without the Complainant's permission. Both complainants

state that when they asked the pharmacist why the information was submitted, he responded that the doctor's wife is a representative of the doctor (indicating that she may work in the doctor's office) and that he wanted to know what prescriptions had been phoned in.

Pharmacist responded stating that he was attempting to verify that the prescriptions for the two (2) Complainants were bona fide prescriptions; the Complainants both answer the telephone at the doctor's office. Pharmacist states that verification was difficult in this case because the prescriptions included ones called in "by the patient/for the patient" and "one employee for another" and there were prescriptions called in for family members. The prescriptions in question included at least three (3) different types of controlled substances.

Prior complaints:  
Pharmacy: None  
PIC: None

Recommendation: **Dismiss**

Mrs. Monica Franklin motioned to obtain more information. The motion died for lack of a second. Dr. Larry Hill motioned to **accept counsel's recommendation**; seconded by Dr. Bettie Wilson. There was one (1) nay vote. The motion carried.

#### **34. Case No.: L07-PHR-RBS-200705547**

Complainant alleges that he was dispensed Coreg 6.25mg when it was not prescribed to him. Before the Complainant realized that it wasn't his prescription, he consumed the medication for three (3) days. As a result, he saw "black spots", passed out, could not walk correctly and could not focus. Complainant went to the emergency room for his symptoms.

PIC responded that the Complainant presented two (2) prescriptions at the pharmacy to be filled. Those prescriptions were filled correctly, but included in the Complainant's bag was another patient's prescription. The printouts from the pharmacy indicate that the Complainant's prescriptions were new prescriptions. PIC's response indicates that counseling was offered to the Complainant at the time of sale.

Prior complaints:  
Pharmacy: None  
PIC: None

Recommendation: **Authorize formal hearing; \$500.00 civil penalty to the pharmacy for failure to counsel the patient in accordance with BOP laws and rules; \$100.00 to dispensing pharmacist and LOI to PIC**

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

#### **35. Case No.: L07-PHR-RBS-200705558**

Complainant alleges that the Respondent, pharmacist, refused to fill her prescriptions for nose drops correctly for several months claiming that her insurance company would not accept more than one (1) refill a month.

PIC responded denying the allegations stating that she was trying to ensure that the patient was able to get the number of refills without interruption. PIC states that the patient had a couple of prescriptions for Flonase with the directions of "two (2) sprays each nostril once a day" for one (1) bottle at a thirty (30) day supply. When she had to use it more often, her insurance would reject the claim as being refilled too soon. On May 25, 2006, a prescription was phoned in to the pharmacy with the change in the directions that stated "two (2) sprays one (1) to two (2) times daily" The new directions allowed the prescription to be filled every fourteen (14) days, without the claim being rejected by the insurance; the prescription was put in the computer with ninety-eight (98) refills. On March 3, 2007, the patient received the 13<sup>th</sup> refill on the prescription. DPh was concerned that the insurance may have a quantity restriction/limitation for the number of refills allowed towards a single prescription number. DPh mentioned to the patient that the prescription may need to be updated. DPh contacted the physician and when he updated the prescription, he allowed the directions to remain the same, allowed for two (2) bottles to be dispensed at one time and gave 11 refills. On April 1, 2007, when the Complainant refilled the prescription, the patient received two (2) bottles of generic Flonase.

Prior complaints:

Pharmacy: 1993, Medication misfill, closed

Recommendation: **Dismiss**

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

### **36. Case No.: L07-PHR-RBS-200705834**

Complainant alleges that the pharmacy staff allowed an unauthorized individual to pick up her prescription for Xanax.

PIC responded stating that an individual presented himself at the pharmacy stating that he was picking up a prescription for his aunt (the Complainant). The individual specifically requested the name of the medication that was prescribed. When asked by the technician if he wanted both prescriptions for his aunt, he called what he indicated to be the Complainant on his cell phone and stated that she wanted him to pick up both prescriptions. The individual was unable to provide the Complainant's date of birth, but was able to provide her address. Pharmacy staff believed that the individual was authorized to pick up the Complainant's prescriptions.

Prior complaints:

Pharmacy: None

PIC: 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.

### **37. Case No.: L07-PHR-RBS-200601824**

Complainant alleges that her prescription for Novalog Flexpen was misfilled with Novolog Flexpen mixed insulin.

PIC admits the misfill. Prescription was written for Novolog Flexpen and it was filled with Novolog Mix Flexpen. The Complainant notified the pharmacy of the error and the correct medication was shipped out.

Prior complaints:  
Pharmacy: None  
PIC: None

Recommendation: **Letter of Warning**

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

**38. Case No.: L07-PHR-RBS-200706038**

During a May 7, 2007 inspection, BOP investigator observed four (4) separate patients pick with their medications without even an offer to counsel.

PIC responded stating that it is pharmacy policy to provide counseling in accordance with BOP rules. Typically, the technicians alert the pharmacists on each new prescription so that counseling can be performed. PIC states that she will stress the importance of counseling to technicians and revisit the proper P & P.

Prior complaints:  
Pharmacy: 2001, Unprofessional conduct, dismissed  
PIC: None

Recommendation: **Authorize formal hearing; \$500.00 civil penalty against pharmacy; \$100.00 civil penalty against dispensing DPh and LOI to PIC.**

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

**39. Case No.: L07-PHR-RBS-200705632**

Complainant alleges that the pharmacy staff gave her prescription for Hydrocodone to an unauthorized individual and that she was without her Hydrocodone for a month.

PIC responded that the Complainant did not inform the pharmacy that no one else could pick up her medication other than herself. PIC states that the Complainant has had many of her friends pick up her medications in the past. PIC also states that the same individual who picked up the Complainant's Hydrocodone also picked up some medications for the Complainant in the past without complaint. PIC also notes that the Complainant did not inform them of this incident until two (2) months after the individual picked up the medication and that this Complainant has a history of asking for her Hydrocodone early.

Prior complaints:  
Pharmacy: 2003- Medication error- LOW two (2) open complaints  
PIC: 2003- Medication error- LOW

Recommendation: **Dismiss**

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

**40. Case No.: L07-PHR-RBS-200705568**

Complainant, patient, alleges that the pharmacist refused to fill his prescription for Amiodarone because she thought it interacted with his Digoxin. Patient's physician also filed a complaint alleging that because the DPh failed to dispense the Amiodarone which caused the patient to experience a tachycardia.

DPh responded to the complaint stating that when she performed a DUR she noticed an interaction between the Amiodarone and the Digoxin; the Digoxin prescription has been brought in to the pharmacy in the last month and the doctor who prescribed the Amiodarone is not the same as the doctor who prescribed the Digoxin. DPh attempted to contact the doctor who prescribed the Digoxin, but it was Saturday and there was no one there, so she sent a fax to the doctor's office in the off chance that someone would be there. Upon questioning the patient, the patient stated that he wasn't sure if he was taking both medications in the hospital and did not remember the doctor discussing the medications with him. On Sunday, the DPh received a call from the doctor telling her that the patient returned to the hospital because he did not receive his Amiodarone.

Prior complaints:

Pharmacy: None

PIC: 94419, Incorrect medication dispensed, Closed; 2002, Prescription pricing, Closed

Recommendation: **Discuss**

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

**GREGORY KIRK JONES, DPH – REQUEST FOR REINSTATEMENT OF LICENSE  
KINGSPORT, TN**

Dr. Kirk Jones appeared before the Board to request the reinstatement of his pharmacist license along with advocate, Dr. John Bonnell, of the Tennessee Pharmacist Recovery Network (TPRN). Interim Executive Director, Dr. Terry Grinder, stated in June, 1996, Dr. Jones sought treatment at Talbot Marsh; was discharged and in November, 1996, the Board reinstated his license with a probationary term of five (5) years. In 2003, Dr. Jones relapsed and sought treatment at Cornerstone in Knoxville; and had his license reinstated in July, 2004 with a ten (10) year term of probation. In June, 2005, Dr. Jones surrendered his license due to a violation of the contract he entered into with the Board. In June, 2006, the TPRN committee requested Dr. Jones to seek an evaluation which he completed a 30 day inpatient program in October, 2006. Dr. Jones stated he attends A/A and Caduceus meeting weekly; remains active with

church activities and has the support of his wife, children and other family members. Dr. Grinder noted Dr. Jones self-reported to the Board. Advocate, Dr. Bonnell stated Dr. Jones is compliant with TPRN recommendations and he feels confident about Dr. Jones' return to the practice of pharmacy. After Board discussion, Dr. Julie Frazier motioned:

Respondent does hereby agree to the reinstatement of license number 7803 with the following probationary conditions. Said probation shall remain in effect for a period of **fifteen (15) years, from May 15, 2007 to May 15, 2022.**

- 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, Max Hicks, 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;

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

**APPROVAL OF PHARMACY TECHNICIAN REGISTRATIONS**

**BRENDA FAYE OWENS**  
**419 35<sup>TH</sup> Avenue N. Apt. #C**  
**Nashville, TN 37209**

Dr. Terry Grinder, interim executive director, advised Ms. Brenda Owens had indicated on her pharmacy technician registration that she had been convicted of a misdemeanor offense. Ms. Owens provided a "criminal charge" document and Dr. Grinder advised additional information will need to be furnished. The Board **deferred** the matter.

**BRENETTA PHELPS**  
**300 Royal Oaks #404**  
**Franklin, TN 37067**

Interim executive director, Dr. Terry Grinder, advised at the November 7 - 8, 2006 board meeting, the Board deferred action pending additional information relevant to the statement Ms. Phelps provided on her pharmacy technician registration which stated, "10 years or more was working and did not tell caseworker, but payed back money." Ms. Phelps provided the following

statement, "I have no felonies on my record from any state nor do I have any charges pending."

Dr. Robert Mitchell motioned to **deny** for lack of response; seconded by Mrs. Monica Franklin.

All were in favor and the motion carried.

**BRANDON STEWART**  
**960 Choate Road**  
**Dickson, TN 37055**

Dr. Terry Grinder, interim executive director, noted Mr. Brandon Stewart marked "yes" to a misdemeanor offense on his pharmacy technician registration. Mr. Stewart was convicted of aggravated assault on December 13, 1995 and served a term of probation and paid court costs.

Dr. Julie Frazier motioned to **grant** approval of the registration; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**GREGORY STEWART**  
**119 Sequoyah Drive**  
**Hendersonville, TN 37075**

Interim executive director, Dr. Terry Grinder, advised Mr. Gregory Stewart was convicted of misdemeanor offenses of a DUI in 1991 and 1984. Mr. Stewart provided a letter from the Tennessee Department of Safety acknowledging court compliance for the May 5, 1984 offense. Mr. Stewart was sentenced to five (5) days in jail and the balance of the sentence was suspended upon payment of \$250 fine; driver's license was surrendered and revoked for a period of one (1) year and attended CASP. Dr. Julie Frazier motioned to **accept** the registration; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**CHARITABLE CLINIC PHARMACY RULES**

Mrs. Alison Cleaves, chief legal counsel, requested the Board to re-adopt the Charitable Clinic Pharmacy Rules. Dr. Julie Frazier motioned to **re-adopt** the Charitable Clinic Pharmacy Rules; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**NORA L. LIGGETT**  
**WALLER LANSDEN DORTCH & DAVIS, LLP**  
**Nashville City Center**  
**511 Union Street #2700**  
**Nashville, TN 37219**

Dr. Terry Grinder, interim executive director, received a request from Ms. Nora Liggett with Waller Lansden Dortch & Davis for a clarification of the standards of practice for their client, Specialty Care Pharmacy to deliver patient medications to a dialysis clinic rather than to the patient's home or business. This practice would be in violation of Board Rules 1140-3-.05 Areas of Receipt and Dispensing. Mrs. Monica Franklin motioned to **deny** the request as there is no pharmacist present at the dispensing site and it is not a licensed pharmacy; seconded by Dr. Larry Hill. All were in favor and the motion carried.

**CONTROLLED SUBSTANCE MONITORING DATABASE**  
**T.C.A. §53-10-307 – CIVIL PENALTIES**

Mrs. Alison Cleaves, chief legal counsel, addressed the Board's authority under T.C.A. §53-10-307 to issue civil penalties to licensees who fail to report to the database or who fail to report improperly. The board noted no civil penalties will be assessed during the learning and transition process at this time. An intentional non submission will be addressed on a case by case basis.

**ADJOURNMENT**

Mrs. Monica Franklin motioned to adjourn the Board of Pharmacy meeting on Tuesday, May 15, 2007 at 4:45 p.m. CDT; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**RECONVENED**

The Board of Pharmacy reconvened on Wednesday, May 16, 2007 at 9:00 a.m. CDT in Room 160 of the Davy Crockett Tower, Nashville, Tennessee. A quorum of the members being present, President Sheila Mitchell called the meeting to order. For the record, Dr. Julie Frazier is not present.

## DIRECTOR'S REPORT

### **NABP MODEL RULES FOR USP 797 STERILE PHARMACEUTICALS, COMPOUNDING & EMERGENCY**

Interim Executive Director, Dr. Terry Grinder, noted the Model Rules for USP 797 Sterile Pharmaceuticals, Compounding and Emergency were adopted by NABP's Committee on Law Enforcement/Legislation on January 25 - 26, 2007 and President, Dr. Sheila Mitchell recommended the Board adopt these rules, as well as the Good Compounding Practices.

Dr. Robert Mitchell motioned to **approve** NABP's Model Rules for Sterile Pharmaceuticals and Public Health Emergencies; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Dr. Robert Mitchell motioned **in accordance with Executive Order #38 the Sterile Pharmaceuticals rules** will not adversely affect the impact of small businesses and there is no alternative means for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses and is similar to other states or federal counterparts that have adopted or will be adopted by these other states; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

Dr. Bettie Wilson motioned **in accordance with Executive Order #38, the Good Compounding Practices rules** will not adversely affect the impact of small businesses and there is no alternative means for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses and is similar to other states or federal counterparts that have adopted or will be adopted by these other states; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

Dr. Robert Mitchell motioned **in accordance with Executive Order #38, the Model Rules for Public Health Emergencies rules** will not adversely affect the impact of small businesses and there is no alternative means for accomplishing the objectives of the proposed rule that might be

less burdensome to small businesses and is similar to other states or federal counterparts that have adopted or will be adopted by these other states; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Mrs. Alison Cleaves noted a Rulemaking Hearing will be conducted in conjunction with the Department of Health in August, 2007.

### **PHARMACY TECHNICIAN RULES**

**In accordance with the Governor's Executive Order #38, Dr. Julie Frazier motioned the pharmacy technician rules** will not adversely affect the impact of small businesses and there is no alternative means for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses and is similar to other states or federal counterparts that have adopted or will be adopted by these other states; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

### **SCHEDULED BOARD MEETING FOR THE MONTH OF JUNE, 2007**

The Board of Pharmacy's next board meeting is scheduled for June 20 - 21, 2007.

### **FDA WITHDRAWAL OF PERGOLIDE MESYLATE**

Interim Executive Director, Dr. Terry Grinder, noted the board received an inquiry from Eleanor Kellon, VMD, relevant to the withdrawal of Pergolide Mesylate from the human market by the FDA on March 29, 2007. This drug is the only effective treatment for a widespread pituitary disorder of horses.

Dr. Bettie Wilson noted it is stated in the guidelines for compounding that were adopted. The compounding may not be legal. Dr. Robert Mitchell motioned to **comprise a letter from the Board of Pharmacy noting it does not violate the laws or rules and to be labeled "for vet use only"**. Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

**LARRY RAWDON, DPH**  
**1051 Smith Street**  
**Hohenwald, TN 38462**

Dr. Terry Grinder, interim executive director, received an e-mail inquiry from Dr. Larry Rawdon relevant to pharmaceutical counseling and the required areas of counseling and the type of pharmacy setting. The Board **deferred this issue** until the next meeting.

**TENNESSEE CODE ANNOTATED §56-1-107**  
**BACKGROUND CHECKS**

Dr. Terry Grinder, interim executive director, noted T.C.A. §56-1-107 allows background checks as part of any licensing process and the Board of Pharmacy has not previously required background checks on potential licensees. Given the nature and importance of pharmacy practice and the potential impact on public health, the Board should discuss the need and consider rule changes that might be necessary if they wish to start this requirement. Chief legal counsel, Mrs. Alison Cleaves, advised the Board will discuss after the transition to the Department of Health.

**JOHN HAWES, DPH**  
**NATIVE PLAINS PHARMACY**  
**701 Buffalo Drive**  
**Winnebago, NE 68071**

Interim executive director, Dr. Terry Grinder, received an inquiry from Dr. John Hawes, who is requesting information for licensure as an out-of-state pharmacy. Native Plains Pharmacy is located on an Indian Reservation in Winnebago, Nebraska and the Nebraska Board of Pharmacy does not require a permit since they are located on Tribal Lands. Dr. Grinder questioned whether Native Plains Pharmacy falls under the jurisdiction of the Veteran's Administration or under the State of Tennessee? Mrs. Monica Franklin motioned to deny the request; seconded by Dr. Robert Mitchell. After board discussion, Mrs. Franklin withdrew her motion. Dr. Todd Bess motioned **the Board expects Native Plains Pharmacy to obtain a license as they are shipping into Tennessee, unless they are able to provide other**

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

**JAMES KOREN, PHARM D  
BAPTIST HOSPITAL OF EAST TENNESSEE**

Dr. Terry Grinder, interim executive director, received an inquiry from Dr. James Koren with Baptist Hospital of East Tennessee regarding pre-packing medications for use at a sister facility. Dr. Koren asked if it is acceptable to pre-pack and bar-code drugs at the main facility for use in Pyxis Medstation cabinets not only at the main facility but also by two (2) sister facilities. President, Dr. Sheila Mitchell advised for Dr. Koren to check with FDA as FDA laws may supersede the Board of Pharmacy's laws.

**KEITH MCGEE, DPH  
US BIOSERVICES**

Interim executive director, Dr. Terry Grinder, received an e-mail inquiry from Dr. Keith McGee with US Bioservices relevant to obtaining an opinion from the Board for specialty drug return/dispensing. Dr. Robert Mitchell motioned to send a letter similar to the issue addressed at the November 7 - 8, 2006 inquiry from Accredo Health; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**DAN MUELLER, DPH  
PHARM-CARE, INC.  
7135 Goodman Road #101  
Southaven, MS 38671**

Dr. Terry Grinder, interim executive director, noted Dr. Dan Mueller with Pharm-Care provides pharmacy services to a detox clinic and is inquiring about furnishing an emergency drug kit for Ativan and Librium relevant to Rule 1140-4-09. Dr. Larry Hill motioned the Board does not prohibit this activity as long as it complies with the Rule; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**INACTIVE LICENSE STATUS**

Interim executive director, Dr. Terry Grinder, stated in 2002, the Board prepared a policy

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statement that allowed pharmacist to change the status of the license for the purpose of claiming an exemption for the Professional Privilege Tax. Under Board of Pharmacy Rule 1140-1-.07 (2), it states, "A pharmacist maintaining an active license to practice pharmacy in another state or jurisdiction is ineligible for inactive license status in Tennessee." Dr. Larry Hill motioned starting from today, May 16, 2007, the Board will enforce Rule 1140-1-.07 (2); seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

#### **ADJOURNMENT**

Mrs. Monica Franklin motioned to adjourn the Board of Pharmacy meeting on Wednesday, May 16, 2007 at 10:30 a.m. CDT; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

*The Board of Pharmacy approved the May 15 - 16, 2007 minutes at the November 8 - 9, 2007 board meeting.*