

**TENNESSEE BOARD OF PHARMACY
JULY 13 - 14, 2006
ROOM 160 – DAVY CROCKETT TOWER
NASHVILLE, TN**

BOARD MEMBERS PRESENT:

Julie Frazier, President
Robert Mitchell, Member
Monica Franklin, Consumer Member
Todd Bess, Member
Bettie Wilson, Member
Reggie Dilliard, Member

STAFF PRESENT:

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

The Tennessee Board of Pharmacy convened on Thursday, July 13, 2006, 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 9:25 a.m. CDT, by Dr. Julie Frazier, President. President Frazier noted for the record that Dr. Sheila Mitchell will not be attending the meeting. Interim Executive Director, Dr. Terry Grinder introduced several pharmacist interns who were attending the meeting. President Julie Frazier, on behalf of the Board and office staff, congratulated Drs. Reggie and Jennifer Dilliard on the birth of their son, Jackson Conner Dilliard.

APPROVAL OF THE MINUTES

Dr. Bettie Wilson motioned to defer the **minutes of the May 16 - 17, 2006** board meeting; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

CONSENT ORDERS

REVOCAION OF REGISTRATION/ LICENSE

Mrs. Alison Cleaves, chief legal counsel, presented Consent Orders for the following eight (8) pharmacy technicians for the Revocation of their Pharmacy Technician Registrations due to theft or diversion of controlled substances, which were previously authorized by the Board:

**MELISSA CRAWFORD, RT
MENYATTA FOSTER, RT
NICOLE GRIBBLE, RT
KELLY HILL, RT
ANDREA MAURICE, RT
KELLY MAYO, RT**

**MICHELLE PAUL, RT
BETTY JO WRIGHT, RT**

Dr. Robert Mitchell motioned to **approve all of the Consent Orders** at the same time; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**DANIEL BLEDSOE, DPH
DICKSON, TN**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the indefinite suspension of Dr. Daniel Bledsoe's license due to chemical dependency. Dr. Robert Mitchell motioned to **accept** the Consent Order for Revocation; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**AMELIA FLANDERS, DPH
CROSSVILLE, TN**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the Revocation of Dr. Amelia Flanders' pharmacist license for forging approximately one hundred twenty-eight (128) prescriptions. Dr. Robert Mitchell motioned to **accept** the Consent Order for Revocation; seconded by Dr. Reggie Dilliard. All were in favor and the motion carried.

**ROGER A. SMITHSON, DPH
WOODBURY, TN**

Mrs. Alison Cleaves, chief legal counsel, stated on May 25, 2004, Dr. Roger Smithson entered into a Consent Order for Reinstatement in which he was to abstain from the consumption of alcohol. Dr. Smithson tested positive for alcohol. Mrs. Monica Franklin motioned to **accept** the Consent Order for Revocation; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**LOIS HOPPSTEIN, DPH
MARYVILLE, TN**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for Probation whereas Dr. Lois Hoppstein entered into and completed treatment for alcohol addiction. Dr. Hoppstein's license was placed on a term of probation for a period of five (5) years. Dr. Todd Bess motioned to **approve** the Consent Order for Probation; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**PENNY JONES, DPH
SANTA FE, TN**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for Probation whereas Dr. Penny Jones entered into a Pre-Trial Diversion Memorandum of Understanding with the Giles County Circuit Court in resolution of the Tampering with Evidence Class E Felony charge against her, suspending prosecution of the case for a period of two (2) years from September 23, 2005 to September 23, 2007, with certain terms and conditions. Dr. Jones' has agreed to her pharmacist license being placed on a term of probation for the same period of time as the Pre-Trial Diversion with the same terms and conditions, which are as follows:

1. That the Respondent shall not commit any offense;
2. That the Respondent shall conduct herself in a manner consistent with good citizenship;
3. That the Respondent shall maintain regular employment;
4. That the Respondent shall refrain from the use of any alcoholic beverages, or be around places where alcoholic beverages are sold on premises for consumption, except a restaurant;
5. That the Respondent shall refrain from the use of any controlled substances or have same in her possession or distribute same, excluding her job as a pharmacist.

Dr. Robert Mitchell motioned to **accept the Consent Order for Probation**; seconded by Mrs. Monica Franklin.

All were in favor and the motion carried.

REINSTATEMENT OF LICENSE

Mrs. Alison Cleaves, chief legal counsel, presented seven (7) Consent Orders for the Reinstatement of License for the following pharmacists, which were indefinitely suspended for chemical dependency.

**CHARLES CUTHBERT, DPH
FRANKLIN, TN**

**AL EZZELL, DPH
CHATTANOOGA, TN**

**STUART LESSENBERRY, DPH
CLARKSVILLE, TN**

**JANICE LEWIS, DPH
MORRISTOWN, TN**

**JAMES OWEN, DPH
COVINGTON, TN**

**J. ROGER SELLS, DPH
EADS, TN**

**TIMOTHY SIMEK, DPH
SEYMOUR, TN**

Dr. Todd Bess motioned to **accept the Consent Orders for Reinstatement of License**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**CHARLES JACKSON, DPH
MANCHESTER, TN**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order for the indefinite suspension of Dr. Charles Jackson's license due to chemical dependency. Dr. Todd Bess motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

VIOLATIONS/ UNPROFESSIONAL CONDUCT

**TROY BLEVINS, DPH
CLEVELAND, TN**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order for the revocation of Dr. Troy Blevins' license due to violating the terms and conditions of his probation, which include but are not limited to: Respondent shall abstain from the consumption of alcohol or any other nonprescribed drugs. Dr. Blevins admitted to consuming two (2) Hydrocodone tablets without a prescription from the pharmacy. Mrs. Cleaves, chief legal counsel, noted this is Dr. Blevins second term of probation. Mrs. Monica Franklin motioned to **revoke** Dr. Blevins' license; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**JOSEPH B. CUMMINS, DPH
CLINTON, TN**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Dr. Joseph Cummins admitted to misfilling a prescription for Bumex with Norepinephrine. Dr. Cummins was in violation of Rule 1140-2-.01 (11) and was assessed a civil penalty of \$1,000. Mrs. Monica Franklin motioned to **accept** the Consent Order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**RANDAL DAVIS, DPH
CHATTANOOGA, TN**

Chief legal counsel, Mrs. Alison Cleaves, presented a Consent Order that was previously authorized by the Board, whereas Dr. Randal Davis was in violation of T.C.A. §63-10-506 (a), engaging in the practice of pharmacy without currently being licensed. Dr. Davis was assessed a civil penalty of \$100. Dr. Todd Bess motioned to **accept** the consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**CVS PHARMACY #3792
ROGERSVILLE, TN**

A Consent Order was presented by Mrs. Alison Cleaves, chief legal counsel, for CVS Pharmacy #3792, who was in violation of Rule 1140-2-.02 (6) relevant to the actual working ratio of pharmacy technicians to pharmacists. A civil penalty of \$250 was assessed. Mrs. Monica Franklin motioned to **accept** the Consent order; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**KROGER PHARMACY #893
COOKEVILLE, TN**

Mrs. Alison Cleaves, chief legal counsel, presented a Consent Order whereas Kroger Pharmacy #893 was in violation of Rule 1140-2-.02 (6) relevant to the actual working ratio of pharmacy technicians to pharmacists. A civil penalty of \$250 was assessed. Dr. Bettie Wilson motioned to **accept** the Consent Order; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**CLAYTON DICK, DPH
MURFREESBORO, TN**

Dr. Clayton Dick appeared before the Board to request approval of his reciprocity application for licensure in the State of Tennessee. Dr. Terry Grinder, Interim Executive Director, advised the Board Dr. Dick indicated on his application that he had been charged with a DUI on January 8, 2006, in Tallahassee, Florida. Dr. Dick provided a copy of an agreement he entered into with the Florida Board of Pharmacy, placing his license on a term of probation for six months, and documentation of completing DUI school, dated June 24, 2006. Dr. Dick stated he failed to notice a one-way sign and was pulled over by law enforcement. Dr. Dick stated both the Georgia and Alabama Boards of Pharmacy were notified of the DUI, which is his first offense. Dr. Reggie

Dilliard motioned to **grant the reciprocity with conditions that if any other DUI offenses are reported that he must appear before the Board for a hearing**; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**LARRY LARKIN, DPH - REQUEST FOR REINSTATEMENT OF LICENSE
KNOXVILLE, TN**

Dr. Larry Larkin appeared before the Board to request the reinstatement of his pharmacist license. Advocating on his behalf were Dr. Janet Hicks and Dr. Edwin Bills with TPRN. Interim executive director, Dr. Terry Grinder advised the Board accepted a Consent Order for the Revocation of Dr. Larkin's license at the March 16 - 17, 2004 meeting. Dr. Larkin stated he drank and used drugs on the weekends and passed out at work one day. Dr. Larkin entered treatment at Cornerstone. Advocate, Dr. Bills, noted Dr. Larkin has complied with all the requirements of TPRN and is dedicated to his recovery. Dr. Larkin's support network consists of friends and his sponsor. After board discussion, Dr. Reggie Dilliard motioned:

1. Respondent does hereby agree to the reinstatement of license number **#3240** with the following probationary conditions. Said probation shall remain in effect for a **period of five (5) years**, from **July 13, 2006 to July 13, 2011**.

- a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b).
- b) Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, **John Minchey, 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.

Dr. Bettie Wilson seconded the motion. There was one (1) nay vote. The motion carried.

**JOHN FLANDERS, DPH - CONSENT ORDER FOR PROBATION
HARRIMAN, TN**

Dr. Terry Grinder, interim executive director, stated Dr. John Flanders voluntarily sought treatment and is personally appearing before the Board. Dr. Grinder noted Dr. Flanders still holds an active license. Advocating on his behalf from TPRN were Dr. Edwin Bills and Dr. Janet Hicks. Dr. Flanders stated in 1980 he suffered a broken leg in approximately five (5) places and experienced neurological problems as a result of the injury. In 2005, Dr. Flanders noted he had double hernia surgery and had complications during surgery. Dr. Flanders noted he contacted Dr. Batina Black with the Tennessee Pharmacist Association and entered into treatment at Cornerstone in December, 2005. Dr. Edwin Bills stated Dr. Flanders has completed his 90/90 meetings, has set boundaries at home and taken responsibility of his actions. Dr. Flanders stated his wife is very supportive. Mrs. Alison Cleaves, chief legal counsel, noted this is not a reinstatement of license. Mrs. Cleaves stated Dr. Flanders' license to engage in the practice of pharmacy shall be suspended from December, 2005 to July 13, 2006. After board discussion, Dr. Reggie Dilliard motioned to:

1. Respondent does hereby agree to the reinstatement of license number **#1231** with the following probationary conditions. Said probation shall remain in effect for a **period of five (5) years**, from **July 13, 2006 to July 13, 2011.**

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, **Rodney McMillin, 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.

Dr. Flanders’ license is currently active. Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

WAIVERS

**JAMES GUNNELLS, DPH
ELDERSCRIPT SERVICES, LLC
144 South Thomas Street #101-1
Tupelo, MS 38801**

Dr. James Gunnells appeared before the Board to discuss a waiver request for Board of Pharmacy Rule 1140-3-.14 (12) relevant to being the designated pharmacist in charge of more than one (1) pharmacy practice site and Rule 1140-1-.12 (3) (d) relevant to the square footage requirements of a pharmacy of not less than one hundred eighty (180) square feet. Elderscript Services, a long term care pharmacy, will provide services to five (5) nursing home facilities in Tennessee utilizing MedSelect, an automated dispensing system. MedSelect will dispense PRN and 1st dose medications and will replace the customary “tackle box”. The MedSelects are on-line with the pharmacy twenty-four (24) hours per day, seven (7) days per week. Dr. Gunnells stated the nurse is allowed to access the machine using a password plus secret codes and can only access drugs that are patient specific. After board discussion, Dr. Reggie Dilliard motioned to **waive the PIC requirement for three months and the square footage requirement for all pharmacies.** Dr. Robert Mitchell seconded the motion. All were in favor and the motion carried.

**LINDA DURHAM, DPH
ON-CALL MEDICAL PHARMACY
337 South Cumberland Street
Lebanon, TN 37087**

Dr. Linda Durham is requesting a waiver of Rule 1140-3-.14 (12) relevant to being the designated pharmacist in charge of more than one (1) pharmacy practice site. Dr. Durham is currently the PIC at On-Call Pharmacy and Option Care Infusion Pharmacy. The PIC of Lebanon Compounding resigned due to contract issues with a former employer. Due to the reimbursement changes in Medicare and TennCare, Option Care has had little or no activity and the license is being maintained for contract purposes only. As a result of these changes, Dr. Durham is requesting to be PIC at all three (3) pharmacies, On-Call Medical Pharmacy, Option Care Infusion Pharmacy and Lebanon Compounding. Dr. Reggie Dilliard motioned to **approve** the waiver request; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**MICHAEL SWAIM, DPH
VAN'S INSTITUTIONAL PHARMACY
317 Lindell Street
Martin, TN 38237**

Dr. Michael Swaim is requesting a waiver of Rule 1140-3-.14 (12) relevant to being the designated pharmacist in charge of more than one (1) pharmacy practice site. Dr. Swaim is currently the PIC at Van's Institutional Pharmacy and is requesting to be PIC at HealthSouth Cane Creek Pharmacy, which will house an automated med dispensing machine in a rehabilitation hospital. Dr. Reggie Dilliard motioned to **approve** the waiver request, seconded by Dr. Todd Bess. All were in favor and the motion carried.

**KELLY D. EARHART
3166 Woodhall Cove
Germantown, TN 38138**

Ms. Kelly Earhart, a 2006 PharmD Candidate, is requesting approval of Rule 1140-1-.04 (c) relevant to the requirement of the four hundred (400) internship hours acquired in a non-traditional pharmacy program. Ms. Earhart completed four hundred (400) research hours at the University of Tennessee. Mrs. Monica Franklin motioned to deny the request, seconded by Dr. Reggie Dilliard. All were in favor

and the motion carried. Dr. Dilliard motioned to **amend the motion to approve two hundred (200) of the internship hours submitted for research at the University of Tennessee and to complete an additional two hundred (200) hours outside of research.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

In reference to Rule 1140-1-.04 (c), relevant to the pharmacy internship programs receiving prior approval from the Board, Dr. Todd Bess noted this information should be communicated prior to, instead of after the fact. President Julie Frazier is requesting chief legal counsel, Mrs. Alison Cleaves, to explain the entire rule and emphasize particularly part (c) to the University of Tennessee College of Pharmacy that there is no blanket approval.

LAURIMAY L. LAROCO
3591 Kernan Boulevard South
Jacksonville, FL 32224

Ms. Laurimay Laroco, a 2006 PharmD Candidate is requesting approval of Rule 1140-1-.04 relevant to the requirement of the completion of four hundred (400) internship hours acquired in a non-traditional pharmacy program. Ms. Laroco was awarded a one-year residency position for pharmacy practice in Jacksonville, Florida and would like consideration to count one-hundred forty (140) hours towards the non-traditional internship hours required for licensure in the State of Tennessee. Dr. Todd Bess motioned **to approve the request and to furnish a letter from the Director of the residency program;** seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

LISA COLEMAN, DPH
1119 Calle Parque
El Paso, TX 79912

Dr. Lisa Coleman is requesting a waiver of Rule 1140-1-.07 (3) (b) (5) (i) relevant to completing one hundred sixty (160) internship hours in Tennessee to reinstate her Tennessee pharmacist license. Dr. Coleman has been actively practicing pharmacy in the State of Texas since 1999. Dr. Reggie Dilliard motioned to **grant** the waiver request; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

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ANDREW H. CLARK, DPH
3117 Carriage Light Court
Raleigh, NC 27604

Dr. Andrew Clark is requesting a waiver of Rule 1140-1-.07 (3) (c) (3) relevant to the successful completion of the MPJE exam as his pharmacist license expired on January 31, 1999. Dr. Clark has been actively practicing pharmacy in the State of North Carolina. Dr. Reggie Dilliard motioned to **deny** the request; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

STEVEN SMITH, DPH
384 Goodman Road East #310
Southaven,MS 38671

Dr. Steven Smith is requesting a waiver of Rule 1140-1-.04 (3) (c) (5) (f) relevant to the reinstatement of his pharmacist license. Dr. Smith stated he let his Tennessee license lapse in March, 1999 as he was on active duty with the Navy. Dr. Todd Bess motioned to **inquire what Dr. Smith has been doing since 1999**. Dr. Robert Mitchell seconded the motion. All were in favor and the motion carried.

MARION H. TALBERT, DPH
3904 Eddy Place
Shreveport, LA 71107

Dr. Marion Talbert is requesting a waiver of Rule 1140-1-.07 (3) (c) (2) (3) and (5) relevant to the requirements of satisfying the past continuing pharmaceutical education, successfully completing the NAPLEX and completing a period of pharmacy internship of three hundred twenty (320) hours as Dr. Talbert's license expired on December 31, 1996. After board discussion, Dr. Reggie Dilliard motioned to **waive the NAPLEX, pharmacy internship and continuing education requirement but must take the MPJE**. Dr. Todd Bess seconded the motion. All were in favor and the motion carried.

DEBRA JEAN CLINE, RT
3723 C. Jim Warren Road
Spring Hill, TN 37174

Ms. Debra Cline is requesting a waiver of Rule 1140-1-.10 (12) relevant to the renewal of her pharmacy technician registration due to illness. Dr. Reggie Dilliard noted Ms. Cline should not worry about renewing her registration and **may reapply in six months with no late fees being assessed**. Dr. Todd Bess seconded the motion. All were in favor and the motion carried.

ROBERT GELB, DPH
DRUGPLACE.COM
2201 W. Sample Road, Bldg. #9
Pompano Beach, FL 33073

Dr. Robert Gelb is requesting a waiver of Rule 1140-3-.14 (13) relevant to a minimum of fifty percent (50%) of the hours that the pharmacy is in operation that the designated pharmacist in charge shall be on duty. Interim executive director, Dr. Terry Grinder, stated Dr. Gelb did not respond to the Board's inquiry as to the number of hours/days, etc. Dr. Reggie Dilliard motioned to **defer this request pending additional information**; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

CHARLES W. HASSELL, DPH
DIRECTOR OF PHARMACY
SKYLINE MEDICAL CENTER / TENNESSEE CHRISTIAN MEDICAL CENTER
3441 Dickerson Pike
Nashville, TN 37207

Dr. Charles Hassell is requesting a waiver of Rule 1140-3-.14 (13) relevant to a minimum of fifty percent (50%) of the hours that the pharmacy is in operation that the designated pharmacist in charge, Dr. Amy Huffines, shall be on duty at Tennessee Christian Medical Center. The pharmacy is open twelve (12) hours/day, seven (7) days/week and Dr. Huffines typically works two (2) 12 hour shifts a week. Dr. Todd Bess motioned to **allow Dr. Huffines to serve a period of six (6) months as PIC**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

LEGAL REPORT/COMPLAINTS

1. Case No.: L05-PHR-RBS-200503186

Complaint was opened based on the Respondent (pharmacy technician) being terminated for theft of Xanax. Respondent had a legitimate prescription for Xanax, but did not refill it and took the Xanax from the pharmacy shelves. Respondent self-reported to the Board that he had received treatment for Opioid dependency for a chronic pain condition and checked himself into a treatment facility when he realized that he had become dependent. Although Respondent was terminated for theft, he did have a legitimate prescription with refills; he just did not use the refill on the prescriptions when he took the drugs. Respondent's employer told the Board of Pharmacy office that the Respondent is eligible for re-hire.

Prior complaints: None

Recommendation: Consent Order with a five (5) year term of probation with conditions: urine screens, shall not consume any non-prescribed drugs, can consume legend drugs or controlled substances prescribed by primary physician, shall not obtain or attempt to obtain prescriptions

from physician other than primary physician, destroy unused controlled substances, cannot fill prescriptions for himself or family, cannot take prescriptions for controlled substances over the phone, must inform current and potential employers of this CO, must inform BOP of any change in PIC that supervises him, enter into a contract with the PIC and abide by the terms of that contract.

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

2. Case No.: L05-PHR-RBS-200502803

Complainant alleges that the pharmacy mistakenly filled the patient's prescription for Alprazolam 2mg with Xanax XR 2mg. The instructions on the Xanax bottle were the same as on the Alprazolam bottle, "cut in 4th and take three (3) times a day". Patient took the incorrect medication while she was also on Prozac. Complainant alleges that the patient took the incorrect medication for approximately two (2) to three (3) weeks and stopped eating, began to hear voices, and did not want to move or walk. Complainant states that the physician did write the prescription for Xanax, but that the pharmacy had always filled the prescription with Alprazolam because of insurance purposes. Complainant states that the patient was subsequently taken to the hospital and found to have high potassium levels, high blood sugar, low blood pressure, bowel problems, high white blood count and the inability to eat. Patient transferred to convalescent care and then eventually to the emergency room where she expired in the ICU unit. Complainant links the patient's symptoms to the Xanax. I do not know from the complaint the patient's underlying medical condition.

Pharmacist states that the original prescription was written for Xanax 2mg and it was dispensed with Xanax XR 2mg. Pharmacist examined the bottle provided by the Complainant and it contained fifteen (15) Xanax XR 2mg tablets, indicating that the patient took nine (9) tablets. Pharmacist indicates that she tried to console the patient by telling the patient they were the same drug and that one just lasted longer in the body and believed that the patient should not have been hurt by the mistake.

Prior complaints: None

Recommendation: Dismiss

Dr. Reggie Dilliard motioned to **issue a Letter of Instruction to the pharmacist to review their current process to see if this was an isolated incident and to submit a statement to the Board regarding the improvements made to quality control to prevent a recurrence of this error in the future.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

3. Case No.: L06-PHR-RBS-200504246

Complainant alleges that the Respondent, pharmacist was allowing unlicensed pharmacists to dispense medications, without a pharmacist verification and allowing pharmacy technicians to verify prescriptions. The Respondent was also charged criminally with fraud for ordering red security tape in the amount of approximately \$100,000.00; Respondent was receiving "kick-backs" from the vendor for each roll of red tape. Respondent plead guilty to the charges.

Prior complaints: 19991160- Dismissed

Recommendation: Formal Hearing (Consent Order for Revocation)

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

4. Case No.: L06-PHR-RBS-200601469

Complainant alleges that his prescription for 120 Percocet 10mg was only filled with 60 tablets. Complainant realized the tablet difference when he got home and contacted the pharmacy about it; pharmacy informed Complainant that 60 doses were all his insurance would pay for. Upon further inspection, the prescription label was for Lortrel and written for another patient. Complainant contacted the pharmacy again and informed them of the apparent misfill and they insisted that the prescription was filled properly. Complainant also alleges that this is not the first instance that he has experienced a misfill stating that he has received the incorrect medication several times and that his medicine was given to another patient at least twice.

Respondent states that the Complainant's prescription was accidentally given to another patient in the drive-thru and the other patient received the Complainant's Percocet prescription. Respondent tracked down who got the incorrect prescription and had the Complainant bring back the incorrect prescription and then filled the Percocet prescription correctly. Respondent states that Complainant did not consume any of the incorrect medication (Lortrel) because when counting the tablets, all 60 tablets were in the bottle.

Prior complaints: 949345- Closed

Recommendation: Letter of Warning to PIC

Dr. Reggie Dilliard motioned to **accept counsel's recommendation to issue a Letter of Warning to the PIC and request to submit a statement to the Board regarding the improvements made to quality control to prevent a recurrence of this error in the future**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

5. Case No.: L06-PHR-RBS-200601682

Complainant alleges that he received a prescription for Citalopram 20 mg which was filled on February 21, 2006. At the time that the prescription was filled, Complainant states that he did not receive a "Drug Fact Sheet/ Drug Data Sheet". After consuming this medication for approximately three (3) weeks, Complainant alleges that he developed difficulty sleeping, which was a side effect of which he was not aware. Complainant states that he called the pharmacy on March 23, 2006 to refill his prescription, but before he wanted it refilled, he asked about side effects. Complainant claims that sleeping difficulties was not a side effect, so he had the medication refilled. When the Complainant picked up the medication, he received the "Drug Fact Sheet" and it does list difficulty sleeping as a possible side effect. Complainant states that he contacted the pharmacist/owner about this situation who was very rude and told the Complainant that it was not her responsibility to inform him of the side effects.

Pharmacist who spoke to the Complainant states that he told the Complainant that the drug he had been taking for three (3) weeks could cause anything from dizziness to drowsiness to trouble sleeping and told the Complainant to contact his physician. Respondent filled the prescription at the Complainant's request and then included the patient education monograph in the bag. Respondent then received a phone call from the Complainant's doctor asking the Respondent about the conversation because the Complainant called the doctor and asked him to reverse the prescription and also asked for his money back.

Prior complaints: None

Recommendation: Dismiss

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

6. Case No.: L06-PHR-RBS-200601679

Complainant alleges that the Respondent, a licensed pharmacist, is prescribing medicine/herbal remedies, as well as dispensing medical advice, diagnosis and treatment plans. Complainant left the treatment plan because she characterizes the Respondent's treatment as "severely misguided" and stated that she was scared and concerned for her health.

Respondent responded by stating that the Complainant came to her for treatment and that she gave the Complainant options for a refund and allowed the Complainant to come back to the spa and finish her treatment. In a letter to the Complainant that the Respondent enclosed, she indicates that she provides therapeutic spa therapies and she states that four (4) formulas were filled at the compounding pharmacy. Respondent's website states that she is a licensed pharmacist who practices natural medicine.

Prior complaints: None

Recommendation: Refer to Board of Medical Examiners and a Letter of Warning to the Respondent telling her that she can only fill the medications/treatments prescribed at a pharmacy licensed by the Board.

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

7. Case No.: L06-PHR-RBS-200602358

Respondent, a pharmacist, self-reported to the Board that he received a DUI conviction on February 14, 2006. This is the Respondent's second DUI conviction; the first one was on September 28, 1999.

Prior complaints: None

Recommendation: Consent Order with a thirty (30) day suspension

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

8. Case No.: L06-PHR-RBS-200601831

Complainant alleges that she had a prescription for Atarax 25 mg and a Medrol Dose Pack, to be taken three times a day. Complainant consumed one dose, which did not relieve her itching. When Complainant attempted to take a second dose, she realized that the bottle label said Atenolol and not Atarax. Complainant's husband went back to the pharmacy to have the bottle corrected and the pharmacist printed a new label which said Atarax taken one a day, which required the label to be printed out again. When Complainant went back to the doctor because her condition had not cleared up, she could not get another prescription for Atarax because the pharmacist failed to correct the dosage amount in the computer for insurance purposes.

Respondent, PIC, states that her supervisor, corporate office and pharmacist involved have documented the error, researched what might have caused it and have taken steps for recurring in the future. Respondent does not specify what error actually occurred or what specific steps have been taken.

Prior complaints: None

Recommendation: Letter of Warning

Dr. Todd Bess motioned to **have an investigator obtain additional information**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

9. Case No.: L06-PHR-RBS-200600211

Complainant alleges that he was shorted on his prescription for Clonazepam. The prescription was only for ninety (90) pills, but when the patient got home he alleges that there were only fifty-five (55) pills. Complainant also alleges that after many trips back to the pharmacy, the pharmacy gave him thirty-two (32) more pills.

Respondent, pharmacist, states that she does recall the Complainant coming back into the pharmacy and stating that he was shorted on his prescription. Complainant showed the pharmacist the vial that had the quantity circled and initialed. Pharmacist checked the computer refill history and saw that the check scale was not used for the fill, but the on-hand quantities were within a couple of tablets. Even though the pharmacist did not believe that the Complainant was shorted tablets, she with her pharmacy supervisor felt it was a customer service issue and gave him the balance of the tablets that the Complainant thought was owed to him.

Prior complaints: None

Recommendation: Dismiss

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

10. Case No.: L05-PHR-RBS-200420334

Complainant alleges that the Respondent pharmacy dispensed a large amount of controlled substances to a patient which may have contributed to the patient's demise; Complainant alleges that the patient died from an overdose. Complaint was previously presented to the Board at which time the Board found that the pharmacists at the pharmacy did not perform a DUR for the patient, which resulted in numerous controlled substances dispensed to the patient.

Respondent responded to the Consent Order by denying the allegations and denying that the pharmacists in the pharmacy dispensed the amount of controlled substances stated in the Consent Order. Respondent states that he and the other pharmacists claim that each time a prescription was filled for the patient, "a proactive DUR was performed for over utilization and other appropriate parameters." Respondent also claims that on numerous occasions, pharmacists at the pharmacy informed her physicians that the patient was receiving therapeutic duplications from other providers. Respondent also state that he and the other pharmacists spent countless hours counseling the patient about her situation and her health problems. Respondent indicated that electronic notes were made for the patient, but no notes were provided in his response to me.

Investigator retrieved the patient's prescriptions from the pharmacy to find the following: September, 2003 the following was filled: suppositories, Albuterol, Atrovent, Lortab and Hydrocodone; October, 2003 – Percocet; November, 2003 – Hydrocodone, Diazepam, Lortab, Soma, December, 2003 - two (2) prescriptions for Tylenol #3, Lortab and Soma and January, 2004 – Carisoprodol, Actolen, Lortab, Hydrocodone, Atrovent and Albuterol, Tylenol #3 (2 prescriptions), Hydrocodone, Tylenol #4 and Soma.

Prior complaints: 200313020- Letter of Warning

Recommendation: Discussion

Dr. Todd Bess motioned to **maintain the decision made by the Board at the May 16 - 17, 2006, to issue a Consent Order with a \$500 civil penalty for failure to perform a DUR.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

11. Case No.: L06-PHR-RBS-200503520

Complainant (child of the patient), alleges that after her mother passed away, she noticed some irregularities in the billing, namely that her mother had received medicine eight (8) days after she died. Complainant also claims that he received a revised bill showing that the posting of eight days after his mother's death to a Sunday and the pharmacy does not have office hours on Sunday. Complainant states that he is being charged for five (5) patches more of Fentanyl.

Respondent states that in this situation the "post consumption" billing method was used, in which they did not bill each week when the medication actually left the pharmacy. They billed only once a month and at the end of the month. Since post consumption billing was used, the previous month's charges were billed on July 30, 2005; patient was in the facility from August 1, to August 14. Pharmacist assumes that what happened was that someone noticed the end of the month billing, the claims for the medication were rejected as "refill too soon" and someone changed the date to August 23, 2005 in order to get the claim paid. The last fill date of the prescriptions was August 14, 2005. Respondent also addressed the pharmacy hours. The pharmacy is open 7 days a week, but the office hours are Monday – Friday, which do not affect the pharmacy hours. Respondent could not address the change in quantity of the Fentanyl from 3 to 5; however, the amount charged to the insurance company was 3.

Prior complaints: 200503707-Dismissed

Recommendation: Dismiss

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

12. Case No.: L06-PHR-RBS-200601783

Complainant alleges that she received a prescription for Hydrocodone 90 tablets with one of the tablets being broken. Complainant also alleges that at a later date, her prescription for Clonazepam, 90 tablets was shorted by 11 tablets. Complainant states that when she brought the discrepancy to the pharmacist's attention, the pharmacist stated that she did not make mistakes and laughed at the Complainant.

Respondent, pharmacist, states that the Complainant did contact the pharmacy to talk about the shorted prescription, but by the time he got to the phone, the Complainant had hung up. A few minutes later, the Complainant came to the pharmacy and the technician told her that they double counted all of their controlled substances using a pill tray and electronic counter. The technician began to count the pills and got to 89, at which time the tech had to answer the phone and the Complainant left the pharmacy.

Prior complaints: None

Recommendation: Dismiss

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

13. Case No.: L06-PHR-RBS-200602098

Complainant alleges that while she was getting her prescription filled, she noticed a technician in the back of the pharmacy putting tablets in her hand and then put them in a counter; tech then poured the pills from the counter into a bottle and then put a label on the bottle. Complainant also states that she saw the tech put something in her mouth at that same time; Complainant did not know if it was pills or food.

Respondent, pharmacist, states that the Complainant saw the technician put tablets in a counter that is used for preparing returns to the wholesaler and not a counter used for the preparation of patient prescriptions. In doing this, the technician did put some tablets in her hand to count. In response to the Complainant's allegation that the technician could have put pills in her mouth, pharmacist states that at that time, it was right after Easter and there was a bag of jelly beans in the pharmacy and that was what was eaten by the technician.

Prior complaints: 200418764- Dismissed

Recommendation: Dismiss

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

14. Case No.: L06-PHR-RBS-200501368

Complainant, physician's office, alleges that the pharmacy filled a prescription for a Duragesic patch with the generic when the prescription was written DAW and no one called the office to ask if a generic substitution was permitted. However, the Complainant never submitted information about the name of the patient.

Prior complaints: None

Recommendation: Dismiss

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

15. Case No.: L06-PHR-RBS-200502651

July 11, 2005 compliance inspection revealed that there were two (2) staff members working in the pharmacy and performing technician duties, such as counting medications and entering prescription information into the pharmacy computer and the staff members were not registered as pharmacy technicians. Investigator states that there were only two (2) staff members total working with the pharmacist and there was not cashier on duty.

Prior complaints: None

Recommendation: Consent Order with \$200.00 civil penalty to PIC

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

16. Case No.: L06-PHR-RBS-200600066

Complainant alleges that following violations occurred at the pharmacy: (1) Complainant's husband's prescription for Valtrex was dropped off at the pharmacy on Saturday and told that it would not be ready until Monday, but when Complainant went to the pharmacy on Sunday, it was ready; (2) A prescription was filled with the incorrect medication (medication and date was not identified in the complaint); and (3) Two (2) different medications were in her prescription bottle for Alprazolam.

Respondent, PIC, states that (1) Simply a miscommunication and not a medication error; (2) A misfill did occur and the personnel involved in this incident were counseled. PIC indicates that if the company policy of using the barcode accuracy scanner had been properly followed, this incident would not have occurred. The error was documented and risk management was informed; (3) Incorrect tablets that were very similar in appearance to the correct tablets were placed in the prescription bottle. In counseling the technician involved, the PIC learned that the tech had a vision problem. Shortly thereafter, the tech was assigned to a cashier position and has since left the company.

Prior complaints: None

Recommendation: Letter of Warning to the verifying DPH for #2 and #3

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

17. Case No.: L05-PHR-RBS-200502812

July 14, 2005 periodic compliance inspection revealed that a member of the pharmacy staff was performing technician functions, but was not registered as a pharmacy technician. PIC told investigator that she did not realize it that it was the PIC's responsibility to ensure compliance.

Board previously voted to send the Respondent, PIC, a Consent Order with a \$100.00 civil penalty as a means to settle the case, which has not yet been accepted.

Prior complaints: None

Recommendation: Formal Hearing

Mrs. Monica Franklin motioned to **schedule a Formal Hearing**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

18. Case No.: L06-PHR-RBS-200604391

Complainant alleges that the Respondent, registered technician, was terminated for theft of Hydrocodone, Phentermine and Alprazolam for her own personal use. Law enforcement was contacted.

Prior complaints: None

Recommendation: Formal Hearing (Consent Order for Revocation)

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

19. Case No.: L06-PHR-RBS-200602660

Complaint generated from a June 23, 2006 compliance inspection in which the investigator observed that a patient picked up a prescription for Golytely or Colyte at which time the patient was neither counseled nor offered counseling. With each subsequent patient, the investigator observed the cashier say to the patients, "sign by the sticker", which indicated that they did not want counseling. When investigator questioned the cashier about the rule relative to counseling, she stated that she was never told anything about the law. Also upon questioning, the investigator found out that the cashier was a technician licensed in Kentucky and working in Tennessee for six (6) months without a registration; she had applied for a Tennessee registration two (2) weeks ago.

PIC responded that the cashier is now registered as a technician; cashier was transferred to his store and he overlooked that responsibility. PIC notified his pharmacy supervisor about the compliance inspection and all pharmacist and technicians have been schooled on proper procedures regarding patient counseling. Pharmacy supervisor is working on how to better let the pharmacists know when to counsel or make the offer to counsel.

Prior complaints: None

Recommendation: Consent Order with \$250.00 civil penalty for the counseling to pharmacy and a \$100.00 civil penalty for the unlicensed technician to PIC

Dr. Reggie Dilliard motioned to **accept counsel's recommendation and to issue a Letter of Instruction to the PIC regarding counseling**; seconded by Dr. Todd Bess. All were in favor and the motion carried.

Dr. Robert Mitchell motioned to change the fines for counseling for the pharmacist to \$100 and the pharmacy to \$500; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

20. Case No.: L06-PHR-RBS-200602663

Complaint generated from a June 22, 2006 compliance inspection in which an investigator observed two (2) separate patients being given their prescriptions without any counseling or any offer to counsel being made. PIC stated to investigator that they have no way to differentiate between new and refilled prescriptions at the register and that they try to counsel but admits that they do not always do it. In a written response, PIC states that it was the practice at the pharmacy to ask the patient if there were any questions and if there were, then the pharmacist could counsel. PIC now realizes that this does not comply with Board of Pharmacy rules and they have changed the way they counsel patients. The pharmacy is now stickering each new prescription to indicate that it's a new prescription and that counseling is mandatory.

Prior complaints: None

Recommendation: Consent Order with a \$250.00 civil penalty to pharmacy

Dr. Reggie Dilliard motioned to **issue a Consent Order with a civil penalty of \$250 to the pharmacy and to issue the PIC with a Letter of Instruction**; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

President Julie Frasier stated "per occurrence" on Counsel's Recommendation.

Dr. Robert Mitchell motioned to change the fines for counseling for the pharmacist to \$100 and the pharmacy to \$500; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

21. Case No.: L06-PHR-RBS-200602662

Complaint generated from a June 23, 2006 compliance inspection in which an investigator observed four (4) patients go through the drive-thru and two (2) patients inside the pharmacy pick up prescriptions without counseling or an offer to counsel. Investigator spoke to the pharmacists on duty at that time who told the investigator that they thought the clerks usually asked about counseling. One of the pharmacist stated that he usually tries to counsel on new prescriptions, but neither pharmacist had any explanation as to why it was not being done today.

PIC responded that they have policies in place to indicate to the technician whether the prescription is a new prescription or a refill. The computer system then stops the technician to see if counseling has been performed. To prevent future violations, PIC has held a meeting with all pharmacy staff to explain the rule and he has posted signs at all of the registers as reminders to counsel on all new prescriptions and to offer to counsel on all refills. PIC is also having employees sign a statement acknowledging that they have been made aware of the counseling rule.

Prior complaints: None

Recommendation: Consent Order with \$250.00 civil penalty to pharmacy

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

Dr. Robert Mitchell motioned to change the fines for counseling for the pharmacist to \$100 and the pharmacy to \$500; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

22. Case No.: L06-PHR-RBS-200602344

Complainant alleges that the Respondent, technician, admitted to the theft and diversion of Hydrocodone. Respondent's employment was terminated.

Prior complaints: None

Recommendation: Formal Hearing (Consent Order for Revocation)

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

23. Case No.: L05-PHR-RBS-200501366

Complainant alleges that the Respondent filled and refilled prescriptions for Anafranil, Lorazepam, Cimetadine, Benztrapine and Urecholine when the physicians did not authorize them.

Respondent states that the patient was not emotionally stable for two (2) years prior to her last visit to the pharmacy, which was over twelve (12) months ago. Respondent states that the patient was an isolated case of a patient who was too emotionally sick to obtain appropriate medical care; any assistance given to her was in an effort to help her with some stability to obtain medical care. Affidavits from the doctors provide that they did not prescribe the medications dispensed.

Prior complaints: 200316367- Dismissed

Recommendation: Formal Hearing

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

24. Case No.: L06-PHR-RBS-200601471

Complainant alleges that there were two (2) medications dispensed from the pharmacy with the incorrect directions on them. On February 23, 2006, patient's prescription for Lithium ER 450 mg, one (1) in PM for seven (7) days and then two (2) in PM was dispensed as "Take two (2) tablets by mouth every morning." Complainant enclosed the physician's instructions and a picture of the bottle with the label. On March 16, 2006, patient's prescription for Seroquel 300 mg, ½ in PM for seven (7) days and then one (1) in the PM" was dispensed as "Take two (2) tablets by mouth every night at bedtime."

Respondent, pharmacist, states that in the first instance, the prescription was filled with incorrect directions; however, the total daily dose is the same. The prescription read, "2 q pm" and the label reads, "Take two (2) tablets by mouth every morning". In the second instance, Respondent states that upon examining the prescription and the label, there is no discrepancy. Respondent states that prescription reads "Seroquel 300mg #60 Sig: 2 qhs." The prescription had the same direction. The problem is that the doctor gave the patient directions on his prescription pad that were different than the directions on the filled prescriptions.

In reading the prescription for Seroquel, the directions were ½ in the evening for seven (7) days and then one (1) in the PM.", when it was dispensed for two (2) at PM. This was misfilled by the pharmacist, despite their claim. In the other prescription, it was dispensed with the correct dosage, but with the incorrect time of day.

Prior complaints:

Recommendation: Letter of Warning

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

25. Case No.: L06-PHR-RBS-200600064

Complainant, physician, alleges that the Respondent, pharmacist, has violated BOP rules regarding patient confidentiality and HIPAA by unnecessarily verifying the patient's prescription.

Respondent states that when she started to fill the prescription she did not recognize the doctor's name so she called the only doctor's name on the prescription to verify, which was an ER doctor. The ER Dr. or Dr.'s nurse told the Respondent that they did not recognize the patient and to hold the prescription. When the Respondent told the patient that she could not fill the prescription, the patient got the Complainant, doctor on the phone to give authorization. Respondent told Complainant that she did not feel comfortable filling a prescription relayed to her by cell phone, but would call the physician back. Physician told the Respondent that he did not want Respondent to fill the prescription.

Recommendation: Dismiss

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

26. Case No.: L06-PHR-RBS-200602740

Complainant alleges that the Respondent drafted and executed forged prescriptions. Loss prevention reports that the Respondent admitted in a written statement that since January, 2005, he dispensed approximately 212 forged prescriptions in his name, his wife's name, and in a friend's name. The prescriptions issued under the Respondent's name were not controlled substances, but the prescriptions for Respondent's wife and the friend were both controlled and non-controlled substances. Respondent has already submitted his physical license to the Board which needs to be memorialized.

Recommendation: Formal Hearing (Consent Order for Revocation)

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

27. Case No.: L06-PHR-RBS-200602735

Complainant alleges that the Respondent, technician, forged prescriptions. Respondent admits that she drafted and executed prescription for NuvaRing for herself and her sister.

Recommendation: Consent Order for two (2) year term of probation.

Dr. Bettie Wilson motioned to **issue a Consent Order for Revocation of Registration (Formal Hearing)**; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

28. Case No.: L06-PHR-RBS-200600348

Complainant alleges that the Respondent, technician, phoned in two (2) prescriptions for Norco 10/325 on the same day. Since two (2) prescriptions had been called in on the same day for the technician, pharmacy staff became suspicious and called law enforcement. The doctors' offices indicated to pharmacy staff that they did not authorize the prescriptions. Affidavits from the doctors' offices confirm this; however, the Respondent denies calling in the prescriptions and I have no evidence to prove it.

Recommendation: Dismiss

Mrs. Monica Franklin motioned to **accept counsel's recommendation**; seconded by Dr. Reggie Dilliard. There was one (1) nay vote. The motion carried.

29. Case No.: L06-PHR-RBS-200600724

Complainant, Respondent's former employer, alleges that the Respondent, technician, lied on her employment application by stating that she was a certified technician when she was not. Complainant also alleges that the Respondent failed to renew her registration with the Board since August, 2005 until the time that she was terminated from employment with the Complainant (March, 2006); it is unclear how long the Respondent worked with an expired registration. Complainant also alleges that the Respondent was terminated from other employment for theft. Respondent is not currently registered as a technician with the Board.

Investigation revealed that the Respondent took \$120.00 out of the cash register of her former employer; the Respondent resigned from this employment.

Recommendation: Close and flag upon reapplication

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.: L06-PHR-RBS-200601253

Complainant alleges that the Respondent, pharmacist, was filling prescriptions for a patient for Xanax, Lorcet, Hydrocodone and Oxycontin before the patient produced a prescription for them. Investigation revealed that there were no early refills or refills without prescriptions, but that there were early refills dispensed by the prior owner of the pharmacy, who had his pharmacy and individual pharmacist license revoked by the Board.

Recommendation: Dismiss

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

COUNSELING FINES

Dr. Robert Mitchell motioned to change the fines for counseling for the pharmacist to \$100 and the pharmacy to \$500; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

ADJOURNMENT

President, Dr. Julie Frazier adjourned the Board of Pharmacy on Thursday, July 13, 2006 at 4:05 p.m. CDT.

RECONVENED

The Tennessee Board of Pharmacy reconvened on Friday, July 14, 2006 at 9:00 a.m., CDT in Room 160 of the Davy Crockett Tower, Nashville, Tennessee. A quorum of the members being present, President Julie Frazier called the meeting to order. Dr. Sheila Mitchell was not in attendance.

Dr. Reggie Dilliard left the Board meeting at 11:30 a.m. CDT on Friday, July 14, 2006.

REQUEST FOR APPROVAL OF NAPLEX CANDIDATES

JAMES CLIFTON BARNHILL

Mrs. Alison Cleaves, chief legal counsel, advised the Board that Mr. James Barnhill indicated "yes" on his NAPLEX application under Violations which states, "Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation?" under Rule 1140-2-.01. Mr. Barnhill stated he spend four days in jail and paid \$850 in fines. Mr. Barnhill attended DUI and counseling classes and furnished certificates of completion. Mrs. Monica Franklin motioned to **grant approval of the NAPLEX candidate**; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**MICHAEL A. HAILE
MEMPHIS, TN**

Chief legal counsel, Mrs. Alison Cleaves, stated in January, 2006, Mr. Haile was charged with possession of marijuana and paid \$275 in fines. Mr. Haile stated he recognized a patient from the hospital and gave him a ride home. The patient began to smoke marijuana, which Mr. Haile instructed him to throw it out of the window. Mr. Haile was traveling through Cherokee National Park when the park patrol stopped him due to inclement weather. The park patrol smelt the odor of marijuana, searched the vehicle and found a small marijuana cigarette on the floor. Mr. Haile received a ticket, pled no contest and the case was closed. Dr. Reggie Dilliard motioned **to have Mr. Haile personally appear before the Board**; seconded by Dr. Todd Bess. All were in favor and the motion carried.

**ERIC BRADFORD HALL
SPRING HILL, TN**

Mrs. Alison Cleaves, chief legal counsel, stated in 1991, Mr. Eric Hall was convicted of a DUI charge, paid a fine and completed a term of probation. Mr. Hall admitted the violation on his NAPLEX application and has met all the obligations. Mrs. Cleaves stated Mr. Hall has no prior convictions. Dr. Todd Bess motioned to **accept approval**; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

**MATTHEW SHAW
KNOXVILLE, TN**

Mrs. Alison Cleaves, chief legal counsel, noted Mr. Matthew Shaw stated on his pharmacist application that he pled guilty in February, 2004 to an "OMUI", completed probation, paid fines and had his Tennessee driver's license suspended for six (6) months. Dr. Reggie Dilliard motioned to **give legal counsel the authority to proceed. If "OMUI" is a DUI, treat according to the Board's DUI policy. If drugs were involved, Mr. Shaw must appear before the Board.** Dr. Todd Bess seconded the motion. All were in favor and the motion carried.

**YANCI LEIGH WALKER
WAYNESBORO, TN**

Chief legal counsel, Mrs. Alison Cleaves, stated Ms. Yanci Walker indicated on her Tennessee

pharmacist application that she pled guilty to a first offense DUI charge in 2005. Ms. Walker paid \$500 court costs, 45-days default with three (3) months supervised probation and enrolled in a driving school. Mrs. Cleaves stated Ms. Walker furnished a letter from the probation officer dated February 16, 2006 stating the file was closed and the conviction was expunged from her record. Mrs. Monica Franklin motioned to **accept** Ms. Walker's application based upon counsel's recommendation; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

REQUEST FOR APPROVAL OF FOREIGN GRADUATE SCORE TRANSFER APPLICATION

ARIKESAVANALLUR G. KRISHNASWAMY HERMITAGE, TN

Chief legal counsel, Mrs. Alison Cleaves, stated on or about March 8, 2004, Mr. Krishnaswamy engaged in fraud in seeking a registration to act as a pharmacy technician in the State of Texas by providing false information on his application. Mr. Krishnaswamy was charged on March 16, 2000 for selling alcoholic beverages to a minor and the Texas Board of Pharmacy suspended his registration from July 19, 2004 - August 1, 2004. Mrs. Cleaves stated Mr. Krishnaswamy is seeking approval of his foreign graduate score transfer application for licensure in Tennessee. Dr. Reggie Dilliard motioned to **allow** Mr. Krishnaswamy to move forward with the licensing process; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

REQUEST FOR APPROVAL OF RECIPROCITY APPLICATION

DUAINE LAMONT LEWIS, DPH SOUTHFIELD, MI

Mrs. Alison Cleaves, chief legal counsel, noted the Board deferred action upon Dr. Duaine Lewis' reciprocity application at the May 16 - 17, 2006 meeting pending additional information relevant to disciplinary action taken by the Michigan Board of Pharmacy. Mrs. Cleaves stated by Final Order dated April 15, 1983, the Michigan Board of Pharmacy suspended Dr. Lewis' pharmacist license for a period of six months and one (1) day for recordkeeping deficiencies of controlled substances. In 1984, Dr. Lewis' request for reinstatement of license was denied. In 1985, the Michigan Board of Pharmacy granted Dr. Lewis a limited license and required him to complete the MPJE and submit reports at three

(3) month intervals. In December, 2000 Dr. Lewis petitioned the Board for reclassification of his limited license to an unlimited license to practice, which was denied. In 2005, the Michigan Board granted the reclassification to a full status pharmacist license. Dr. Reggie Dilliard recused from voting. After board discussion, Mrs. Monica Franklin motioned to **allow** Dr. Lewis to proceed with the reciprocal process; seconded by Dr. Todd Bess. The motion carried.

**GERALD BULLER, DPH
NASHVILLE, TN**

Dr. Terry Grinder noted Dr. Gerald Buller submitted a reciprocity application for licensure in Tennessee and noted he had previous disciplinary action taken against his license.

Dr. Gerald Buller personally appeared before the Board to discuss the disciplinary action taken by the Georgia Board of Pharmacy. In 1994, Dr. Buller sought treatment for substance abuse at Talbott and fulfilled the requirements placed upon him by the Georgia Board. Dr. Reggie Dilliard motioned to **grant** approval of the reciprocity application; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

REQUEST FOR APPROVAL OF TECHNICIAN REGISTRATION

**CAROL L. ADAMS
WALLAND, TN**

Mrs. Alison Cleaves, chief legal counsel, stated Ms. Carol Adams submitted a pharmacy technician registration and indicated she had charges in another state. Ms. Adams noted in December, 1994, she was convicted of a misdemeanor and fined \$341 for deer hunting by aid of bait with her ex-husband's license. Dr. Adams paid the fines. Dr. Todd Bess motioned to **allow the approval** of the registration seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

**HEATHER FLIPPIN
CLARKSVILLE, TN**

Chief legal counsel, Mrs. Alison Cleaves, stated Ms. Heather Flippin noted under "violations" on her pharmacy technician registration that she had been convicted of a misdemeanor including alcohol or drug related offenses. On March 4, 2005, Ms. Flippin was a passenger in a vehicle involved in a property damage accident. The officer noted Ms. Flippin, age 19 years, had glassy eyes and odor of

alcoholic beverage about her person and was charged with underage consumption. Mrs. Cleaves stated pre-trial diversion was granted and Ms. Flippin attended First Offender's Program. Dr. Robert Mitchell motioned to **approve** the registration; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

**LISA ANN FRANKLIN
MEMPHIS, TN**

Mrs. Alison Cleaves, chief legal counsel, stated Ms. Lisa Franklin noted under "violations" on her pharmacy technician registration that she had been convicted of a misdemeanor including alcohol or drug related offenses. On January 13, 2003, Ms. Franklin was sentenced by United States Magistrate Judge Leslie Kobayashi in Hawaii to three (3) years Probation for Embezzle, Abstract, Purloin and Misapply Monies and Funds Belonging to and Intrusted to the care of a financial institution. On March 9, 2005, supervision was transferred to the Western District of Tennessee. Mrs. Monica Franklin motioned to **allow** Ms. Franklin to move forward with her registration; seconded by Dr. Bettie Wilson. There was one (1) nay vote. The motion carried.

REQUEST FOR AMENDMENT TO CONSENT ORDER FOR REINSTATEMENT

**JAMES CATRON, DPH
MORRISTOWN, TN**

Dr. James Catron submitted a request for consideration to amend the Consent Order for Reinstatement he entered into by allowing him to "float". Dr. Catron withdrew his request.

DIRECTOR'S REPORT

ROBERT'S RULES OF ORDER

Chief legal counsel, Mrs. Alison Cleaves, noted the Board adheres to the Robert's Rules of Order. Dr. Robert Mitchell motioned to **adopt** the Robert's Rules of Order as the parliamentary procedures for conducting business by the Tennessee Board of Pharmacy; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

CONFLICT OF INTEREST STATEMENT

For the record, the members of the Board of Pharmacy are in compliance with the Department's Conflict of Interest Statement.

BOARD MEETINGS TO BE VIDEOTAPED

Interim Executive Director, Dr. Terry Grinder, advised the board members the Department will be installing videotape equipment beginning in August, 2006 for the purpose of videoing board meetings.

LEGISLATIVE RECOMMENDATION PROCESS

Interim Executive Director, Dr. Terry Grinder noted the Board received a memorandum from the Assistant Commissioner's office relevant to legislative recommendations for 2007 of the potential changes that will improve consumer protection, industry regulation and administrative functions.

EXECUTIVE DIRECTOR SEARCH

President, Dr. Julie Frazier advised the board members that the Department of Personnel has denied the salary request that was submitted and noted, #1 To offer the position at it's currently approved status of \$60,000+. The Board has approximately \$22,000 in reserves bringing the total to \$82,000 - \$83,000; or, #2 Offer the position to another candidate; or #3 Start the hiring process all over again. The Board asked for a salary of \$110,000. Mrs. Monica Franklin motioned to offer it to the first candidate and if they refuse, offer the position to the second candidate. The motion dies for the lack of a second.

Interim Executive Director, Dr. Terry Grinder, stated the practice of pharmacy is very diverse. A reason for the denial of the salary request is the individual selected is not considered to be "practicing" pharmacy by the Administration. The salary fees can not be borrowed from the reserves for personnel issues. Dr. Todd Bess motioned **for President, Dr. Julie Frazier to draft a letter to the Department of Personnel and submit to Ms. Meredith Sullivan, Assistant Commissioner for Regulatory Boards, to define the practice of pharmacy and to request Candidate #1 to be brought over to the Executive Director position at his current salary.** Mrs. Monica Franklin seconded the motion. All were in favor and the motion carried.

PHARMACIST INVESTIGATIVE STAFF VACANCY

Dr. Todd Bess motioned to **allow** Interim Executive Director, Dr. Terry Grinder, to start the process to hire a new investigator; seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

PHARMACIST SALARY INCREASE

Dr. Julie Frazier and Assistant Commissioner Meredith Sullivan discussed budget improvements with the Board of Pharmacy relevant to an increase in the pharmacist investigator's salaries. Mrs. Monica Franklin motioned to include in the budget improvement package to allow for a raise for the pharmacist investigators; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

VALIDITY OF MPJE/NAPLEX

The Board adopted the following policy relevant to the completion of the Multi-State Pharmacy Jurisprudence Exam (MPJE®) and the North American Pharmacist Licensure Examination (NAPLEX®) for licensure.

Once the Tennessee pharmacist application for Initial, Reciprocal, Score Transfer or Foreign Graduate is received in the Board office, the candidate will have twelve (12) months from the date the money is validated on the application to complete the licensing process for both the MPJE and NAPLEX. After the twelve (12) month period, the application will become invalid.

Dr. Robert Mitchell motioned to **accept the Board policy** seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

PUBLIC CHAPTER NO. 768

Interim Executive Director, Dr. Terry Grinder, stated Public Chapter No. 768, an Act to amend Tennessee Code Annotated, Title 63, Chapter 10, Part 2 and Title 63, Chapter 10, Part 4, is relative to quality assurance; was passed by the General Assembly on May 15, 2006 and approved by Governor Phil Bredesen on May 26, 2006. Dr. Grinder noted the Chapter does not affect the daily practice of pharmacy.

PUBLIC CHAPTER NO. 804

Dr. Terry Grinder, interim executive director, advised Public Chapter No. 804, an Act to amend Tennessee Code Annotated, Title 3; Title 4, Title 29; Title 39; Title 40; Title 63, Title 67; and Title 71, is

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relative to the abuse of certain persons. The Act shall take effect July 1, 2007. Dr. Grinder stated all pharmacies will be required to post the following notice.

**NOTICE TO ALL PHARMACIES
REGARDING CHAPTER NUMBER 804
OF THE PUBLIC ACTS OF 2006:**

Effective **July 1, 2007**, all pharmacies licensed by the State of Tennessee Board of Pharmacy shall post a sign that must be at least eight and one-half inches (8-1/2") in width and eleven inches (11") in height in the main public entrance of the pharmacy that contains a statement that any person, regardless of age, who may be a victim of domestic violence may call the nationwide domestic violence hotline for immediate assistance, with the hotline number printed in boldface type.

A copy of the statement that shall be posted is as follows:

NOTICE

Any person, regardless of age, who may be a victim of domestic violence, may call the nationwide domestic violence hotline for immediate assistance at:

**1-800-799-SAFE (7233) or
1-800-787-3224 (TTY)**

If you wish to have a copy of this statement mailed to you, then please contact the State of Tennessee Board of Pharmacy at (615) 741-2718.

Dr. Terry Grinder, interim executive director, stated the notice will be placed on the Board's website. Dr. Reggie Dilliard motioned to **accept** the notice; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

PUBLIC CHAPTER NO. 866

Dr. Terry Grinder, acting interim executive director, stated Public Chapter No. 866, an Act to amend Tennessee Code Annotated, Title 53, Chapter 10, is relative to the generic substitution of prescription drugs. This Act shall take effect upon becoming a law.

The Board furnished the following notice relevant to Public Chapter No. 866:

**NOTICE TO ALL PHARMACIST REGARDING
CHAPTER NO. 866 OF THE PUBLIC ACTS
OF 2006:**

Effective June 5, 2006, in making drug substitutions that are permitted by law, pharmacists may use drugs and drug products that are manufactured in the United States or in another country if the drugs or drug products have been approved by the Federal Food and Drug Administration ("FDA") and have been given an "A" therapeutic equivalent rating by the FDA. Pharmacists may dispense drugs or drug products that have not been evaluated or rated for

bioequivalency by the FDA by using his or her professional judgment in selecting a generic product for substitution.

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

PUBLIC CHAPTER NO. 919

Interim executive director, Dr. Terry Grinder, stated Public Chapter No. 919, an Act to amend Tennessee Code Annotated, Title 63 and Title 68, is relative to allowing donated prescription medications to be dispensed by charitable clinics.

Legal counsel, Mrs. Alison Cleaves stated this act may be known as the "Nina Norman Prescription Drug Donation Act of 2006". Mrs. Cleaves noted the Board of Pharmacy in cooperation with the Department of Health shall develop and implement a pilot program consistent with public health and safety through which unused prescription medications, other than controlled substances, may be transferred from an institutional facility to a charitable clinic pharmacy for the purpose of distributing the medication to Tennessee residents who are indigent. The Public Chapter states two (2) reports are to be submitted to the Health Committees of the General Assembly along with any recommendations or findings on or before March 1, 2007; and the second report on or before January 1, 2008.

PUBLIC CHAPTER NO. 434

Mrs. Alison Cleaves, chief legal counsel, stated Public Chapter No. 434 is now referenced as Public Chapter No. 564, effective April 24, 2006. This clarifies some of the confusing interpretations involving substitution and patient choice. Mrs. Monica Franklin motioned to **accept** Public Chapter No. 564; seconded by Dr. Bettie Wilson. All were in favor and the motion carried.

USP 797

Dr. Terry Grinder, interim executive director, noted the Board has not adopted the USP 797 standard.

NABP/AACP DISTRICT III MEETING CHARLESTON, SOUTH CAROLINA AUGUST 6 - 8, 2006

Dr. Bettie Wilson anticipates attending the NABP/AACP District III meeting to be held on August 6 - 8,

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2006 in Charleston, South Carolina.

NABP - RECIPROCITY WITH CALIFORNIA

Dr. Terry Grinder, interim executive director, is requesting approval from the Board to accept reciprocity with California. Dr. Reggie Dilliard motioned to **accept reciprocity with California**, seconded by Dr. Robert Mitchell. All were in favor and the motion carried.

MALTAGON 2006 TUNICA, MS SEPTEMBER 10 - 13, 2006

Interim executive director, Dr. Terry Grinder, stated Mississippi will host the MALTAGON meeting for 2006 at the Grand Resort in Tunica on September 10 - 13, 2006.

NACDS 2006 PHARMACY & TECHNOLOGY CONFERENCE SAN DEIGO, CA AUGUST 26 - 30, 2006

Dr. Terry Grinder, interim executive director, noted the National Association of Chain Drug Stores (NACDS) Pharmacy and Technology Conference will be held on August 26 - 30, 2006 at the San Diego Convention Center in San Diego, California.

CONTROLLED SUBSTANCE MONITORING DATABASE UPDATE

Interim executive director, Dr. Terry Grinder, stated an RFP for the hardware and software were mailed and prospective proposals have been received by the Department.

The RFP's will be evaluated and a contractor will be awarded the contract. The contractor will be responsible for collection, cleansing and transmission of prescription data.

PROPOSED RULE CHANGES

Dr. Terry Grinder, interim executive director, stated the Board was in the process of updating pharmacists at the pharmacy updates relevant to the proposed rule changes for technicians. President, Dr. Julie Frazier noted Dr. Batinna Black contacted Dr. Grinder regarding the proposed technician rules and Dr. Frazier stated the Board has not received any comments from Dr. Black and to move forward with the "proposed" rule changes. The Board has not conducted a rule making hearing on the technician rules.

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**TRIPARTITE MEETING
FRANKLIN, TN
OCTOBER 19 - 20, 2006**

President, Dr. Julie Frazier noted the Tripartite meeting is scheduled for October 19 - 20, 2006 in Franklin, Tennessee and will address technician rules and charitable clinic pharmacies.

BOARD CALENDAR MEETING DATES RESCHEDULED - SEPTEMBER 2006

President Julie Frazier advised the members that the September board meeting dates have been **rescheduled for August 29 - 30, 2006** due to the Board's legal counsel's anticipated delivery date in September.

BOARD BUSINESS

Dr. Julie Frazier, Dr. Robert Mitchell, Mrs. Monica Franklin, Dr. Todd Bess, Dr. Bettie Wilson, Ms. Meredith Sullivan, Assistant Commissioner for Regulatory Board were present during the discussions of the director's salary for the Board of Pharmacy. Dr. Reggie Dilliard was not in attendance.

Dr. Julie Frazier stated the Board has requested or instructed her to write a letter relevant to the Director's salary to be at a minimum of the same amount of the previous director.

Ms. Sullivan discussed equity, budget and the parameters of the position within the Department of Commerce and Insurance. The Board stated a valid candidate for the Executive Director position will not be obtainable at the current salary that is being offered.

ADJOURNMENT

Dr. Robert Mitchell motioned to adjourn the Board of Pharmacy meeting at 2:25 p.m. CDT on Friday, July 14, 2006; seconded by Mrs. Monica Franklin. All were in favor and the motion carried.

Respectfully submitted,

Julie Frazier, President

Terry W. Grinder, Interim
Executive Director