

Tennessee Board of Pharmacy
Board Meeting
March 8, 2022

TENNESSEE BOARD OF PHARMACY
665 Mainstream Dr.
Nashville, TN 37243

BOARD MEMBER PRESENT

Adam Rodgers, D.Ph., President
Melissa McCall, D.Ph., Vice President
Richard Breeden, D.Ph.
Rissa Pryse, D.Ph.
Shanea McKinney, D.Ph

BOARD MEMBER ABSENT

Jake Bynum, Consumer Member
Katy Wright, D. Ph

STAFF PRESENT

Lucy A. Shell, Executive Director
Matthew Gibbs, Associate General Counsel
Rebecca Moak, Pharmacy Investigator
Robert Shutt, Pharmacy Investigator
Larry Hill, Pharmacy Investigator
Andrea Miller, Pharmacy Investigator
Terry Grinder, Pharmacy Investigator
Richard Hadden, Pharmacy Investigator
Derek Johnston, Pharmacy Investigator
Scott Denaburg, Pharmacy Investigator
Patricia Beckham, Pharmacy Investigator
Rita Golden, Pharmacy Investigator
Sheila Bush, Administrator Director

The Tennessee Board of Pharmacy convened on Tuesday, March 8, 2022, in the Iris Room, 665 Mainstream Drive, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:01 a.m. with Dr. Rodgers presiding. Dr. Rodgers welcomed pharmacy students from Belmont University, University of Tennessee and Lipscomb University. Dr. Rodgers welcomed new Executive Director, Lucy Shell, who started on February 22, 2022.

Minutes

Dr. McKinney made the motion to accept the January 12, 2022, minutes as presented. Dr. McCall seconded the motion. The motion carried.

Financial Report

Ms. Alicia Grice, Fiscal Director, presented the year end financials and stated that the Board was operating in the black. Dr. Rodgers asked Ms. Grice about the impact of reducing initial licensure fees for pharmacy technicians on the Board. After discussion, the Board decided to add it to the May meeting agenda for consideration.

Application Review

Alexis Ballad, RT

Ms. Ballad appeared before the board for her pharmacy technician license after pending allegations appeared on her background check. After discussion, Dr. Breeden made a motion to grant a license on probation pending outcome of allegations in August. If charges are dropped, probation is lifted, but if charges are upheld, the license will be placed on suspension. Dr. McKinney seconded the motion. The motion carried.

Presentation

iLocal Box

Mr. Bryan Rigney from iLocal Box and Mr. Louis Zarzour from ePharma Direct came before the board to discuss current regulations around kiosks or remote pharmacy delivery systems. After discussion, the board decided to look at other state regulations surrounding these systems for a more in depth discussion at the July board meeting.

Buprenorphine Prescribing Guidelines

Dr. Wesley Geminn, Tennessee State Opioid Treatment Authority and Chief Pharmacist for the Department of Mental Health and Substance Abuse Services came before the board to present the newest buprenorphine prescribing guidelines. After discussion, Dr. McKinney made a motion to adopt the guidelines and place on the board's website. Dr. McCall seconded the motion. The motion carried.

Tennessee Pharmacists Association

Dr. Anthony Pudlo, Executive Director of the Tennessee Pharmacists Association (TPA), provided an update of current initiatives at TPA. He discussed the newly formed Tennessee Pharmacy Coalition, workplace conditions, and technician waivers, as well as provided an update on the TPA House of Delegates new policy on advocating for immunizations, delegating immunization authority to technicians, and pharmacists use of professional judgement. He also provided a legislative update on TPA's current priorities.

Walgreens – Central Fill

Dr. Lorri Walmsley, Dr. Dwayne Pinon, and Dr. Bobby Hoang from Walgreens discussed a central fill facility located in Memphis that Walgreens is currently operating. This facility currently services pharmacies in the state of Tennessee and is looking to start providing prescriptions to pharmacies outside of the state. Due to the number of pharmacies they are wanting to service and the current board rule 1140-03-.16, Walgreens requested a waiver of 1140-.01-.08 (3)(a)8 which would not require the pharmacist-in-charge to be licensed in the state of Tennessee. Dr. Breeden made the motion to waive the requirement for a Tennessee licensed pharmacist-in-charge for the out of state pharmacies receiving central fill prescriptions from Walgreens Central Fill (TN license number 7149), and Dr. Pryse seconded the motion. The motion carried. This facility also wanted a waiver for the pharmacy technician ratio 1140-02-.02 (7). Dr. Breeden made the motion to allow for the removal of the ratio, as long as any pharmacy technician over the 6 to 1 ratio would be certified. Dr. McCall seconded the motion. Dr. Pryse voted nay. The motion carried.

Waiver Request

Paul Orgain, DPh

Dr. Paul Orgain appeared before the board requesting a waiver for Board rule 1140-03-.14 (12) to allow him to serve as pharmacist-in-charge at more than one practice site. Dr. Orgain is currently the pharmacist-in-charge at Dickson Medical Pharmacy (TN license number 4213) and would like to serve as the PIC at Vital Care of Dickson (TN license number 4394). Dr. Breeden made the motion to waive board rule 1140-03-.14 (12) and allow Dr. Orgain to serve as pharmacist-in-charge at both locations. Dr. Pryse seconded the motion. The motion carried.

Lisa Groover, D.Ph.

Director Shell presented a waiver on behalf of Dr. Lisa Groover to the Board. Dr. Groover requested a waiver of several relicensure requirements and previously received waivers during the January 26, 2021 meeting. At the time of the request, her Tennessee license had been inactive for more than five consecutive years and she has not been practicing. Dr. Breeden made the motion to waive past due continuing education requirements, cumulative license renewal fees, and requirement for internship hours, but Dr. Grover would have to successfully complete the NAPLEX and MPJE. Dr. McCall seconded the motion. The motion carried.

Patricia Edwards, D.Ph.

Director Shell presented a waiver on behalf of Dr. Patricia Edwards to the Board. Dr. Edwards requested a waiver of several relicensure requirements. At the time of the request, her license in Tennessee had been inactive for more than five consecutive years but Dr. Edwards provided proof of practicing out of state. Dr. McCall made the motion to waive requirement for internship hours, 30 hours of continuing education, and successful completion of the NAPLEX, but Dr. Edwards must successfully complete the MPJE. Dr. Breeden seconded the motion. The motion carried.

Carolyn Chambers, D.Ph.

Director Shell presented a waiver on behalf of Dr. Carolyn Chambers to the Board. Dr. Chambers requested a waiver of several relicensure requirements. At the time of the request, her license in Tennessee had been inactive for more than five consecutive years but Dr. Chambers provided proof of practicing out of state. Dr. McCall made the motion to waive requirement for internship hours, and successful completion of the NAPLEX, but Dr. Chambers must successfully complete the MPJE. Dr. Breeden seconded the motion. The motion carried.

Betty Fulgham, D.Ph.

Director Shell presented a waiver on behalf of Dr. Betty Fulgham to the Board. Dr. Fulgham requested a waiver of a relicensure requirements. At the time of the request, her license in Tennessee had been inactive for more than one year, but no more than five consecutive years but Dr. Fulgham provided proof of practicing out of state. Dr. Breeden made the motion to waive requirement for internship hours, but Dr. Fulgham must successfully complete the MPJE. Dr. Pryse seconded the motion. The motion carried.

Anna Blair Brown, D.Ph.

Director Shell presented a waiver on behalf of Dr. Anna Blair Brown to the Board. Dr. Brown requested a waiver of several relicensure requirements. At the time of the request, her license in Tennessee had been inactive for more than one year, but no more than five consecutive years but Dr. Brown provided proof of practicing out of state. Dr. McCall made the motion to waive requirement for internship hours, but Dr. Brown must successfully complete the MPJE. Dr. Breeden seconded the motion. The motion carried.

Waiver Authority for Executive Director

After discussion, Dr. Breeden made a motion to authorize the Executive Director to waive internship hours for inactive licenses or license reinstatements in accordance with 1140-01-.07 as long as proof is provided that the pharmacist has been practicing as a pharmacist in another state. Dr. McKinney seconded the motion. The motion carried.

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James Matthew Baker, D. Ph.

Director Shell presented a waiver on behalf of Dr. James Matthew Baker. Following a CE audit by the Board office, he submitted 25.75 hours of AMA accredited CE that he requested be counted as board-approved pharmaceutical continuing education. Dr. McKinney made a motion to waive board rule 1140-05-01 (1) and allow 25.75 AMA CE hours to be counted as board-approved pharmaceutical continuing education. Dr. McCall seconded the motion. The motion carried.

Directors Report

Director Shell provided the Directors Report.

Dr. McCall made a motion to approve travel for three Board members, the Executive Director, and any board staff that would like to attend the NABP Annual Meeting in Phoenix, AZ on May 19-21, 2022. Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made a motion to approve travel for three Board members, the Executive Director, and any board staff that would like to attend the NABP/AACP District III Meeting in Flowood, MS on August 7-10, 2022. Dr. McCall seconded the motion. The motion carried.

Dr. McCall made a motion to approve travel for three Board members, the Executive Director, and any board staff that would like to attend the MALTA-GON Meeting in New Orleans, LA on September 18-21, 2022. Dr. Breeden seconded the motion. The motion carried.

Dr. Breeden made a motion to approve travel for three Board members, the Executive Director, and any board staff that would like to attend the TPA Summer Meeting in Chattanooga, TN on June 16-19, 2022. Dr. McKinney seconded the motion. The motion carried.

Dr. Breeden made a motion to approve travel for one investigator to attend the NADDI Mississippi Conference in Brandon, MS on April 21, 2022. Dr. McCall seconded the motion. The motion carried.

After discussion, the Board decided to move the July board meeting to July 26-27, 2022.

After discussion, Dr. Breeden made a motion to grant the Executive Director the authority to approve continuing education requests in accordance with rule 1140-05-.01. Dr. McCall seconded the motion. The motion carried.

After discussion, the Board will continue to review the Professional Pharmacy Technician Academy course to be discussed at the May board meeting.

After discussion about the current peer assistance contract, Dr. Breeden agreed to help the Board staff review the current scope of services of the contract and provide feedback during the initial process.

Director Shell provided data to the Board members on the current repackaging pilot program.

After discussion of the current process for the Complaint Review Committee, it was determined the Board continue with the Committee and staff will add more consultants as they deem appropriate, including the Board member that was rotating off the Board.

OGC/Investigative Report

Mr. Gibbs stated that there are currently 73 cases open for discipline within the Office of General Counsel. Of those 57 cases, 8 are eligible for a contested hearing.

Mr. Gibbs stated that The Tennessee Board of Pharmacy along with the Tennessee Department of Health has been named as two of the defendants contained in the master docket for the National Prescription Opiate Litigation. The Office of the Attorney General is aware of this litigation and there are currently no update.

Mr. Gibbs stated that Board of Pharmacy rules continue to be an ongoing discussion between OGC and BOP staff. Mr. Gibbs and Director Shell are developing a plan to be discussed at the May board meeting.

Mr. Gibbs provided a legislative update on the following pieces of legislation:

SB1859 / HB1999 - As introduced, enacts the "Accessible Prescription Labels Act."

Placed on calendars of the Senate Health and Welfare Committee for March 9 and the Health Subcommittee for March 8.

SB2141/HB2216 - As introduced, makes various changes to the prescription drug donation repository program operated by the department of health, including transferring control of the program over to the board of pharmacy and other changes.

Assigned to the Senate Commerce and Labor Committee and the Health Subcommittee.

SB2446/HB2131 - As introduced, permits a pharmacy technician to perform tasks delegated by the pharmacist, including participation in drug, dietary supplement and device selection, storage, distribution and administration, if the delegated tasks are consistent with the pharmacy technician's education, training, and experience.

Senate: Placed on the calendar for Health and Welfare Committee for March 9, 2022

House of Representatives:

- Passed Health Subcommittee (2/15/2022)

- Passed Health Committee (2/23/2022)

- Consent Calendar – 3/7/2022

SB2322/HB2662 - As introduced, reduces the number of years a pharmacist must be licensed in this state to be employed by the board of pharmacy as the executive director from five years to four years.

Assigned to the calendars of the Senate Commerce and Labor Committee and the House Health Subcommittee for 3/8/2022.

SB2452/HB2624 - As introduced, changes the date by which the commissioner of health must annually prepare a report comparing price level determinations under the Third-Party Prescription Program Act from January 31 to March 1.

Assigned to General Subcommittee of Senate Health & Welfare Committee. The bill has been placed on the Health Subcommittee calendar for 3/8/2022.

SB2188 / HB2746 - As introduced, authorizes ivermectin suitable for human use to be sold or purchased as an over-the-counter medication in this state without a prescription or consultation with a pharmacist or certain other healthcare professional.

Placed on Senate Health and Welfare Committee calendar for 3/9/2022. Placed on Health Subcommittee calendar for 3/8/2022.

SB2621/HB2506 - As introduced, authorizes physicians, physician assistants, and advanced practice registered nurses to prescribe and pharmacists to dispense ivermectin via standing order.

Placed on Senate Health and Welfare Committee calendar for 3/9/2022. Placed on Health Subcommittee calendar for 3/8/2022.

General Discussion

Mr. Gibbs discussed the topic of infusion clinics. After discussion of the oversight of the Board felt that they should not get involved in discussions surrounding infusion clinics.

Director Shell discussed the current compounding rules and the status of them. They are being reviewed internally at the Board office, which Dr. Wright is aware of and will be brought back to the Board at the May meeting for a planned implementation date of January 1, 2024.

Dr. McCall asked if we were able to license pharmacy interns. Mr. Gibbs stated that a legislative change would need to occur.

CSMD Rules

Mr. David Silvus from the Office of General Counsel provided information to the Board on the new Commissioner Rules as they relate to the Controlled Substance Monitoring Database. These rules are now found in 1145 and some have been moved from the Board of Pharmacy rules in 1140 as they are applied across various professions. The biggest change for dispensers is what has to be reported, which includes new data fields as well as all Schedule V drugs, except those that do not require a prescription.

Dr. Breeden made the motion to adjourn at 2:11 p.m. Dr. McKinney seconded the motion. The motion carried.

The minutes were approved and ratified at the May 10, 2022 board meeting.