

DISCIPLINARY ACTION REPORT

NASHVILLE, Tenn. -- Tennessee Code Annotated, Section 68-1-114 requires the Tennessee Department of Health to issue a monthly media release listing all disciplinary actions taken by the health-related boards during the prior month. Below is a list of actions taken in **JULY 2021**. *Detailed information about disciplinary actions is available on our website at <https://apps.health.tn.gov/Licensure/default.aspx>. Enter the name of the person. When the license information comes up, click either "disciplinary action" or "adverse licensure action" in the right column.*

BOARD OF CHIROPRACTIC EXAMINERS

Licensee: Diane Marie Arwood, CTA, Mascot, Tennessee
Violation: Failed to timely renew license and performed duties of a chiropractic therapy assistant on an expired license.
Action: Agreed Citation; assessed civil penalty of \$200.00.

Licensee: Alec James Dragelin, DC, Nashville, Tennessee
Violation: Failed to timely renew license and performed duties of a Chiropractor on an expired license.
Action: Agreed Citation; assessed civil penalty of \$500.00.

Licensee: Brittany Gann, CTA, Crossville, Tennessee
Violation: Failed to timely renew license and performed duties of a chiropractic therapy assistant on an expired license.
Action: Agreed Citation; assessed civil penalty of \$200.00.

Licensee: Rachel Wilford, CTA, Memphis, Tennessee
Violation: Failed to timely renew license and performed duties of a chiropractic therapy assistant on an expired license.
Action: Agreed Citation; assessed civil penalty of \$400.00.

BOARD OF DENTISTRY

Licensee: Shavarsea K. Dallas, RDA, Clarksville, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: License reprimanded; obtain 24 continuing education hours and provide proof of current CPR certification; assessed civil penalty of \$150.00 plus costs of prosecution of this matter.

Licensee: Keith W. Hodgkin, DDS, Cookeville, Tennessee
Violation: Permitting directly or indirectly an unlicensed person to perform services or work that...can only be done legally only by persons licensed or practice dentistry or dental hygiene or as a registered dental assistant.
Action: License reprimanded; Assessed civil penalties of \$3,100.00 plus the costs of prosecuting this case

Licensee: Hailey L. Lasater, RDA, Watertown, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; provide proof of completion of current CPR certification and assessed civil penalty of \$150.00.

Licensee: Pamela L. Martin, RDA, Nashville, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: License voluntarily retired and Respondent must pay costs; prior to any reinstatement Respondent must complete 24 continuing education hours and show proof of current CPR certification plus pay the assessed civil penalty of \$150.00.

Licensee: Cathey Montgomery, RDA, Columbia, Tennessee
Violation: Failed to timely renew license and performed duties of a dental assistant on an expired license.
Action: Agreed Citation; assessed civil penalty of \$50.00.

Licensee: Melissa G. Schwitzerlett, RDH, Bristol, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; provide proof of 1 hour of continuing education in chemical dependency and assessed civil penalty of \$300.00.

BOARD OF DISPENSING OPTICIANS

Licensee: Stephen L. Adams, Jr., DPO, Hixson, Tennessee
Violation: Failed to timely renew license and performed the duties of a Dispensing Optician on an expired license.
Action: License reprimanded; assessed civil penalty of \$2,200.00 plus the actual and reasonable costs in this matter.

Licensee: Rane B. King, DPO, Sevierville, Tennessee
Violation: Failed to timely renew license and performed the duties of a Dispensing Optician on an expired license.
Action: License reprimanded; assessed civil penalty of \$1,600.00 plus the actual and reasonable costs in this matter.

Licensee: Angelia G. Stegall, DPO, Whitwell, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: License suspended; provide proof of completion of 9 hours of continuing education to specifically include 4 hours in spectacles, two hours in contact lenses, one hour in jurisprudence and two hours in optional courses; assessed civil penalty of \$500.00

Licensee: Cynthia S. Morrison, DPO, Clarksville, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; assessed civil penalty of \$100.00; must provide proof of completion of 2 hours of continuing education.

Licensee: Timothy Joseph Wears, DPO, Jefferson City, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits

Action: Agreed Citation; assessed civil penalty of \$100.00; must provide proof of completion of 1 hour of continuing education.

BOARD OF MEDICAL EXAMINERS

Licensee: Valerie Louise Augustus, MD, Germantown, Tennessee
Violation: Board Order violation.
Action: Respondent's license is suspended effective August 9, 2021. Respondent is assessed \$1,000 in civil penalties and costs not to exceed \$8,000. Prior to petitioning the Board for an order lifting the suspension, Respondent must enter into at least a three-year monitoring contract with the Tennessee Medical Foundation to monitor her monthly psychotherapy supervision progress, pay \$10,000 of the \$50,000 cost assessment owed, and enter into a payment plan to pay the remaining \$40,000 along with additional costs and civil penalties. Upon receiving an order lifting the suspension, the Respondent's medical license will revert back to a probation status for a minimum of three years with terms.

Licensee: Taylor Briggs, AMDX, Mount Pleasant, Tennessee
Violation: Failed to timely renew license and worked as a medical x-ray operator while her medical x-ray operator certificate was expired.
Action: License reprimanded; assessed civil penalty of \$700.00 plus costs of prosecuting this case.

Licensee: Jessica Lynn Carroll, MXRT, Michie, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 18 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$360.00.

Licensee: Brittany N. Cook, MD, Knoxville, Tennessee
Violation: Continued or repeated health care liability, ignorance, negligence or incompetence in the course of ophthalmologic surgery.
Action: License reprimanded; indefinitely restricted from practicing ophthalmologic surgery. Assessed the costs of prosecuting this case.

Licensee: Emily Paige Cooper, AMDX, Memphis, Tennessee
Violation: Failed to timely renew license and practiced as an x-ray operator on an expired license
Action: Agreed Citation; assessed civil penalty of \$300.00

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Licensee: Marja Elise Fisher, AMDX, Springfield, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 2 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$40.00.

Licensee: Roshan Gamage, MD, Chattanooga, Tennessee
Violation: Due to ongoing monitoring with Tennessee Medical Foundation

- Action: Conditional license granted; must maintain advocacy of Tennessee Medical Foundation.
- Licensee: Hansroutie Gopaul, MDXL, Cordova, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 2 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$40.00.
- Licensee: Melanie Kay Haddon, MXRT, Nashville, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 2 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$40.00.
- Licensee: Kenneth Hicks, MD, Brentwood, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 14.25 hours of continuing education credit within 90 days of the ratification of the Citation; plus 10 penalty hours of continuing education credits due within 90 days of receipt of the Citation; assessed civil penalty of \$1,425.00.
- Licensee: Tara Leigh Horvath, MDXL, Chattanooga, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 22 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$400.00.
- Licensee: Daniel Kalb, MD, Franklin, Tennessee
Violation: Guilty of unprofessional or unethical conduct; abetting the giving or receiving, of rebates, either directly or indirectly.
Action: License reprimanded; never again receive any fee for the referral of a patient in connection with professional services; assessed civil penalty of \$200.00
- Licensee: Ghazali A. Khan, MD, Etowah, Tennessee
Violation: Guilty of unprofessional, dishonorable or unethical conduct; Failed to timely notify the department and update his practitioner profile with changes to certification and privileges.
Action: License reprimanded; assessed civil penalty of \$5,500.00 plus the cost of prosecuting this case.
- Licensee: Michael Anthony Lapaglia, MD, Knoxville, Tennessee
Violation: Violation of board order; unprofessional, dishonorable or unethical conduct; making false statements or representations, being guilty of fraud or deceit in the practice of medicine; habitual intoxication or personal misuse of any drugs or the use of intoxicating liquors, narcotics, controlled substances...in such manner as to adversely affect the person's ability to practice medicine; making or signing in one's professional capacity any certificate that is known to be false at the time one makes or signs such certificate.

- Action: License revoked; may not apply for a new license for at least 3 years; assessed civil penalties of \$3,000.00 and costs; must meet specific terms in order to apply for new license in the future.
- Licensee: Michael C. Mena, MD, Red Bank, Tennessee
Violation: Unprofessional, dishonorable or unethical conduct. Dispensing, prescribing or otherwise distributing controlled substances not in the course of professional practice. Failed to create and maintain proper medical records
Action: License placed on probation for 5 years. Notify Drug Enforcement Agency and physicians, podiatrists, advanced practice registered nurses, or physician assistants with whom he collaborates of the discipline shall not prescribe opioids for 6 months or until required continuing education courses have been completed; assessed civil penalty of \$9,500.00 plus the costs of prosecuting this case.
- Licensee: Terri Diane Moore, MXRT, Summertown, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 2 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$40.00.
- Licensee: Patricia Ann Novak, AMDX, Bartlett, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 2 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$40.00.
- Licensee: Stacey M. Parker, AMDX, Greeneville, Tennessee
Violation: Worked as a medical x-ray operator at a chiropractic office without being supervised by a medical doctor and without a chiropractic x-ray technologist certification
Action: License reprimanded; assessed civil penalty of \$2,600.00 plus costs of prosecuting this case.
- Licensee: Ashley Michelle Parsons, AMDX, Medina, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 2 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$40.00.
- Licensee: Melissa Renee Rumble, MDXL, Clarksville, Tennessee
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 22 hours of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$400.00.
- Licensee: Michael Seals, MD, Knoxville, Tennessee
Violation: Dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice...failed to perform an appropriate history and physical examination

Action: License placed on probation for 2 years; successfully complete continuing education course entitled "Medical Ethics, Boundaries and Professionalism" at The Case Western Reserve University School of Medicine or equivalent course and "Prescribing Controlled Drugs" Critical Issues and Common Pitfalls" at Vanderbilt University Medical Center or equivalent course; assessed civil penalty of \$3,750.00 plus the costs of prosecuting this case.

Licensee: Todd W. Ussery, MD., McDonald, Tennessee
Violation: Failed to be registered with the Tennessee Controlled Substance Monitoring Database (CSMD) from at least September 2017 to September 18, 2019 while prescribing controlled substances to patients with a federal drug enforcement administration (DEA) registration from at least September 2017 to the present. Violation of Tenn. Code Ann. Sec. 53-10-305(a), which requires that all healthcare practitioners who prescribe or dispense controlled substances in practice providing direct care to patients in Tennessee by prescribing or dispensing on more than fifteen (15) days in a calendar year total, and are required to have a DEA registration pursuant to federal law, shall be registered in the controlled substance database

Action: License Reprimanded. Respondent is assessed Twenty-Five Type B Civil Penalties, for a total Civil Penalty of \$2,500.00, and must pay the costs of the case up to \$5,000.

Licensee: Tommy A. Wood, MD, Nashville, Tennessee
Violation: Failed to timely renew license and practiced as a medical doctor on an expired license

Action: Agreed Citation; assessed civil penalty of \$1,000.00

Licensee: Teresa Wright, AMDX, Nashville, Tennessee
Violation: Failed to timely renew license and worked as a medical x-ray operator while her medical x-ray operator certificate was expired.

Action: License reprimanded; assessed civil penalty of \$2,200.00 plus costs of prosecuting this case.

Licensee: Beryl Yancey, MD, Humboldt, Tennessee
Violation: Failed to make provision for the security, or transfer or otherwise establish a secure method of patient access to their medical records following the closure of the facility.

Action: License is voluntarily surrendered with the same effect of revocation; may not reapply for licensure for at least 3 years; shall pay the cost of prosecuting this case.

BOARD OF MEDICAL EXAMINERS' POLYSOMNOGRAPHY PROFESSIONAL STANDARDS COMMITTEE

Licensee: Jack Randall Adams, RPSGT, Scottsboro, Alabama
Violation: Failed to properly maintain sufficient continuing education credits
Action: Agreed Citation; must obtain 1 hour of continuing education credit within 180 days of the Citation; plus 10 penalty hours of continuing education credits due within 2 years of the Citation; assessed civil penalty of \$30.00.

Licensee: Lacey Hashimoto, RPSGT, Johnson City, Tennessee
Violation: Practicing polysomnography without a valid license.
Action: Agreed Citation; assessed civil penalty of \$500.00

BOARD OF NURSING

Licensee: RaDonda Vaught, RN, Bethpage
Violation: Guilty of unprofessional conduct; to wit: failure to maintain a record for each patient and/or failure to maintain a record for each patient which accurately reflects the name and title of the nurse providing care; and abandoning or neglecting a patient requiring nursing care
Action: License revoked; assessed civil penalties of \$3,000.00; plus costs not to exceed \$60,000.00

PAIN MANAGEMENT CLINICS

Licensee: William Kevin Bailey, MDPC, Knoxville, Tennessee
Violation: Conduct found to be detrimental to the welfare of the patients in the pain management clinic.
Action: License placed on probation for 1 year; subject to unannounced inspections; must successfully complete the medical course entitled "Medical Documentation: Clinical, Legal and Economic Implication for Healthcare Providers" offered at The Case Western Reserve University.

Licensee: Interventional Pain Center, PLLC PMC, Nashville, Tennessee
Violation: Biennial inspection of clinic reflected multiple deficiencies in clinic policies and patient records
Action: License conditionally renewed and placed on probation for 6 months

BOARD OF PHARMACY

Licensee: Kulsoom Abidi, D.PH, Pleasant View, Tennessee
Violation: Failed to comply with a...duly promulgated rule of the board.
Tenn. Comp. R. & Reg. 1140-02-.02(3): The pharmacist in charge at each pharmacy practice site is responsible for compliance with the provisions of this chapter by pharmacy technicians at the pharmacy practice site.
Tenn. Comp. R. & Regs. 1140-01-.09(1): All licenses and certificates of registration granted by the board shall be for a two (2) year period beginning on the date the license is initially granted. All licenses and certificates of registration shall be renewed on or before the last day of the two (2) year license cycle.
Action: Board Ordered assessed civil penalty of \$300.00

Licensee: Tennessee CVS Pharmacy, LLC, Knoxville, Tennessee
Violation: Failed to comply with a...duly promulgated rule of the board. It shall be the responsibility of the person, partnership, firm, or corporation holding a pharmacy practice site license issued pursuant to T.C.A. Sec. 63-10-506 to notify the board immediately of: (a) the resignation, removal, or health of the pharmacist in charge named in the application for license (or successor pharmacist in charge); or (b)

the disability for period exceeding thirty (30) days of the pharmacist in charge named in the application for license (or successor pharmacist in charge).

Action: Board Ordered assessed civil penalty of \$50.00

Licensee: Dunlop Pharmacy, Clarksville, Tennessee

Violation: Failed to comply with a... duly promulgated rule of the board. The facts stipulated constitute grounds for discipline pursuant to:

Tenn. Code Ann Sec 63-10-305(4) Engaged in conduct prohibited or made unlawful by any of the provisions of parts 2-5 of this chapter or any other laws of the state or of the United States relating to drugs or to the practice of pharmacy[.]

21 C.F.R. Sec 1304.21(a) Every registrant required to keep records pursuant to Sec. 1304.03 shall maintain, on a current basis, a complete and accurate record of each substance manufactured, imported, received, sold, delivered, exported, or otherwise disposed of by him/her, and each inner liner, sealed inner liner, and unused and returned mail-back package, except that no registrant shall be required to maintain a perpetual inventory.

21 C.F.R. Sec 1306.04(a); A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

21 C.F.R. Sec 1306.05(a): All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.

21 C.F.R. Sec 1306.06: A prescription for controlled substance may only be filled by a pharmacist, acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy, a registered central fill pharmacy, or registered institutional practitioner.

Tenn. Code Ann. Sec 53-10-112(c): A pharmacist shall, by utilizing education, skill, experience and professional judgment, make every reasonable effort to prevent the abuse of drugs which the pharmacist dispenses. In doing so, a pharmacist may decline to dispense to a patient a legend drug which in that pharmacist's professional judgment, lacks a therapeutic value for the patient or which is not for a legitimate medical purpose.

Tenn. Code Ann. Sec 53-11-401(a)(1): It is unlawful for any person: who is subject to part 3 of this chapter, to distribute or dispense a controlled substance in violation of Sec. 53-11-308 or to distribute or dispense any controlled substance for any purposes other than those authorized by and consistent with the person's professional or occupational licensure or registration law, or to distribute or dispense any controlled substance in a manner prohibited by the personal professional or occupational licensure or registration law;

Action: Pharmacy license placed on probation for 2 years.

Licensee: Jessica Hayes, RT, Atoka, Tennessee
Violation: Tenn. Code Ann Sec 63-10-305(4) Engaged in conduct prohibited or made unlawful by any of the provisions of parts 2-5 of this chapter or any other laws of the state or of the United States relating to drugs or to the practice of pharmacy[.]
Tenn. Code Ann Sec 63-10-306(a) Except as otherwise provided in parts 2-5 of this Chapter, it is unlawful for any individual to engage in the practice of pharmacy unless currently licensed or otherwise authorized under parts 2-5 of this chapter to practice under any facet of the provisions of parts 2-5 of this chapter.
Tenn. Comp. R. & Regs. 1140-02-.02(1): Any person acting as a pharmacy technician shall register with the Board by submitting a complete application on a form prescribed by the Board.
Action: Assessed civil penalty of \$100.00 plus the actual and reasonable costs of prosecuting this case.

Licensee: Kristy L. Hensley, RT, Lebanon, Tennessee
Violation: Tenn. Code Ann Sec 53-10-104(a) It is unlawful for any person, firm or corporation to possess, sell, barter or give away any drug known as legend drugs, as defined in Sec 53-10-101, except upon the written prescription of a duly licensed physician, certified physician's assistant, nurse authorized pursuant to Sec. 63-6-204 or Sec. 63-9-113, who is rendering service under the supervision, control and responsibility of a licensed physician, and who meets the requirements pursuant to Sec 63-7123, a dentist, an optometrist authorized pursuant to Sec. 63-8-102(12), or a veterinarian and compounded or dispensed by a duly registered pharmacist.
Tenn. Code Ann Sec 53-10-104(b) It is unlawful for any person, firm or corporation to obtain or attempt to obtain a legend drug, or to procure to attempt to procure the administration of a legend drug, by fraud, deceit, misrepresentation, subterfuge, forgery, alteration of a prescription, by the concealment of a material fact, or by the use of a false name or address.
Tenn. Code Ann Sec 53-10-105(a) It is unlawful for any person to have in such person's possession, any drug herein defined or enumerated, without the same having been prescribed by a duly licensed physician, certified physician assistant, dentist, optometrist authorized pursuant to Sec. 63-8-102(12), or veterinarian, and having been dispensed by a pharmacy duly licensed and registered in this state, unless such person was a resident of another state and had the prescription therefore filled by a duly licensed and registered pharmacist of such other state.
Tenn. Code Ann Sec 53-11-402(a)(3) It is unlawful for any person knowingly or intentionally to acquire or obtain, or attempt to acquire or attempt to obtain, possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.
Tenn. Code Ann Sec 63-10-305(6) Been guilty of dishonorable, immoral, unethical or unprofessional conduct.
Action: License is voluntarily surrendered otherwise revoked

Licensee: Marisa Lee Jordan, RT, Clarksville, Tennessee
Violation: Failed to comply with a... duly promulgated rule of the board. The facts stipulated constitute grounds for discipline pursuant to:
Tenn. Comp. R. & Regs. 1140-01-.09(1): All licenses and certificates of registration granted by the board shall be for a two-year period beginning on the date the license is initially granted. All licenses and certificates of registration shall be renewed on or before the last day of the two-year license cycle.

Tenn. Comp. R. & Regs. 1140-01-.10(4): Each person who desires to continue to practice as a pharmacy technician shall biennially, on or before the last day of the month that the person's registration shall expire, pay a renewal fee

Action: Assessed civil penalty of \$100.00

Licensee: Srinivasulu Kandipati, Pharmacist, Nolensville, Tennessee

Violation: Failed to comply with a... duly promulgated rule of the board. The facts stipulated constitute grounds for discipline pursuant to:
Tenn. Code Ann Sec 63-10-305(4) Engaged in conduct prohibited or made unlawful by any of the provisions of parts 2-5 of this chapter or any other laws of the state or of the United States relating to drugs or to the practice of pharmacy[.]
21 C.F.R. Sec 1304.21(a) Every registrant required to keep records pursuant to Sec. 1304.03 shall maintain, on a current basis, a complete and accurate record of each substance manufactured, imported, received, sold, delivered, exported, or otherwise disposed of by him/her, and each inner liner, sealed inner liner, and unused and returned mail-back package, except that no registrant shall be required to maintain a perpetual inventory.
21 C.F.R. Sec 1306.04(a); A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.
21 C.F.R. Sec 1306.05(a): All prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.
21 C.F.R. Sec 1306.06: A prescription for controlled substance may only be filled by a pharmacist, acting in the usual course of his professional practice and either registered individually or employed in a registered pharmacy, a registered central fill pharmacy, or registered institutional practitioner.
Tenn. Code Ann. Sec 53-10-112(c): A pharmacist shall, by utilizing education, skill, experience and professional judgment, make every reasonable effort to prevent the abuse of drugs which the pharmacist dispenses. In doing so, a pharmacist may decline to dispense to a patient a legend drug which in that pharmacist's professional judgment, lacks a therapeutic value for the patient or which is not for a legitimate medical purpose.
Tenn. Code Ann. Sec 53-11-401(a)(1): It is unlawful for any person: who is subject to part 3 of this chapter, to distribute or dispense a controlled substance in violation of Sec. 53-11-308 or to distribute or dispense any controlled substance for any purposes other than those authorized by and consistent with the person's professional or occupational licensure or registration law, or to distribute or dispense any controlled substance in a manner prohibited by the personal professional or occupational licensure or registration law;

Action: Pharmacy license placed on probation for 2 years.

Licensee: Michael Lingerfelt, Pharmacist, Elizabethton, Tennessee

Violation: Tenn. Code Ann. Sec. 63-10-305(4) Engaged in conduct prohibited or made unlawful by any of the provisions of parts 2-5 of this chapter or any other laws of the state or of the United States relating to drugs or to the practice of pharmacy[.]

21 C.F.R. Sec. 1301.71(a) All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances.

21 C.F.R. Sec. 1304.21(a) Every registrant required to keep records pursuant to Sec 1304.03 shall maintain, on a current basis, a complete and accurate record of each substance manufactured, imported, received, sold, delivered, exported, or otherwise disposed of by him/her, and each inner liner, sealed inner liner, and unused and returned mail-back package, except that no registrant shall be required to maintain a perpetual inventory.

21 C.F.R. Sec. 1305.13(b) A supplier may fill the order, if possible and if the supplier desires to do so and must record on the original DEA Form 222 its DEA registration number and the number of commercial or bulk containers finished on each item and the date on which the containers are shipped to the purchaser. If an order cannot be filled in its entirety, it may be filled in part and the balance supplied by additional shipments within 60 days following the date of the DEA Form 222. No DEA Form 222 is valid more than 60 days after its execution by the purchaser, except as specified in paragraph (f) of this section.

21 C.F.R. Sec. 1311.30(c) A certificate holder must ensure that no one else uses the private key. While the private key is activated, the certificate holder must prevent unauthorized use of that private key.

Tenn. Code Ann. Sec. 53-1-108(1)(B) A drug or device shall be deemed to be adulterated if: [i]t has been produced, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health[.]

Tenn. Code Ann. Sec. 53-10-106(a)(1) Any drug or device that is misbranded, out of date, old, deteriorated, not kept under proper refrigeration as required, or that has been exposed to fire, heat, smoke, water, flood or windstorm damage is deemed to be adulterated, and the possession, sale or distribution of those drugs or devices is prohibited.

Tenn. Code Ann. Sec. 63-10-305(8) Failed to comply with a...duly promulgated rule of the board.

Tenn. Comp. R. & Regs. 1140-01-.13(3)(g) Key or other access devices to the physical barriers shall be subject to the following standards: Only pharmacists practicing at the pharmacy and pharmacists authorized by the pharmacist in charge shall be in possession of any keys or other access devices.

Tenn. Comp. R. & Regs. 1140-02-.01(13) The following functions must be performed personally by a pharmacist or by a pharmacy intern under the personal supervision and in the presence of a pharmacist: Performance of final verification of the product prior to dispensing; Initialing of medical and prescription orders noting appropriate comments; and providing patient counseling

Tenn. Comp. R. & Regs. 1140-02-.02(1)(a) An affidavit signed by both the applicant and employer attesting that the applicant has read and understands the laws and rules relative to pharmacy technicians and the practice of pharmacy in Tennessee. (a copy of this affidavit shall be retained at the applicant's place of employment)[.]

Tenn. Comp. R. & Regs. 1140-02-.02(3) The pharmacist in charge at each pharmacy practice site is responsible for compliance with the provisions of this chapter by pharmacy technicians at that pharmacy practice site.

Tenn. Comp. R. & Regs. 1140-02-.02(6) No prescription drugs and devices and related materials may be released to a patient without verification by a pharmacist of the functions performed by a pharmacy technician.

Tenn. Comp. R. & Regs. 1140-03-.01(1)(a) Patient Counseling-Upon the receipt of a medical or prescription order and following a review of the patient's record, a pharmacist shall personally counsel the patient or caregiver "face-to-face" if the patient or caregiver is present. If the patient or caregiver is not present, a pharmacist shall make a reasonable effort to counsel through alternative means.

Tenn. Comp. R. & Regs. 1140-03-.03(1) To the extent that a medical order contains an order for the compounding, dispensing or administration of a prescription drug or device or related material, the medical order shall be treated as a prescription order. Written medical and prescription orders must be signed by the prescriber. Verbal medical and prescription orders must be immediately reduced to writing (by hand or other means), dated, and initialed by the authorized individual accepting the medical and prescription orders.

Tenn. Comp. R. & Regs. 1140-03-.03(7)(b) Medical and prescription orders shall be transferred between pharmacy practice sites for the purpose of compounding and dispensing provided that the transferee, upon receiving such order directly from the transferor, records the following: 1. The name, address and original medical or prescription order serial number at the pharmacy practice site from which the order was transferred; 2. The name of the transferor; and 3. All information constituting a medical or prescription order including the following: (i) Date the order was originally issued and dispensed; (ii) Original number of refills authorized on the original order; (iii) Date of last dispensing; and (iv) Number of valid refills remaining.

Tenn. Comp. R. & Regs. 1140-03-.06 The dispensing label for a medical or prescription order shall bear at least the following information: name and address and telephone number of pharmacy practice site; the medical or prescription order serial number, name of prescriber; name of patient; directions for use; date medical or prescription order originally dispensed, and/or refill date; "poison". "shake", "caution", or other appropriate advisory label; name of product (unless otherwise required by the prescriber); and expiration date of the product (if applicable). This rule shall not apply to medical and prescription orders dispensed by an institutional pharmacy or long-term care pharmacy for administration to inpatients of that institutional facility or long-term care facility, except when medications are dispensed to patients residing in assisted care living facilities. Upon request, the Board may waive selected portions of these requirements so long as any waiver granted is consistent with the Board's authority under Tenn. Code Ann. Title 63, Chapters 1 and 10, and Tenn. Code Ann. Title 4, Chapter 5.

Tenn. Comp. R. & Regs. 1140-03-.14(10) The pharmacist in charge shall maintain a current registry of individuals employed at the pharmacy practice site performing the functions of a pharmacy technician.

Tenn. Comp. R. & Regs. 1140-03-.15 Each pharmacy practice site shall maintain an adequate reference library (printed or electronic) consistent with its scope of practice. The reference library shall include a current edition of the Tennessee Pharmacy Laws issued by the Tennessee Board of Pharmacy and may include current material regarding the technical, clinical, and professional components of the practice of pharmacy, with particular emphasis in the area in which the

pharmacy specializes. Upon request, the Board may waive selected portions of these requirements so long as any waiver granted is consistent with the Board's authority under Tenn. Code Ann. Title 63, Chapters 1 and 10, and Tenn. Code Ann. Title 4, Chapter 5.

Action: License is suspended for 30 days; assessed civil penalty of \$1,600.00

Licensee: Jacob Israel Mills, RT, Clarksville, Tennessee

Violation: It is unlawful for any person, firm or corporation to possess, sell, barter or give away any drug known as legend drugs, as defined in Sec. 53-10-101, except upon the written prescription of a duly licensed physician, certified physician's assistant, nurse authorized pursuant to Sec. 63-6-204 or Sec. 63-9-113, who is rendering service under the supervision, control and responsibility of a licensed physician, and who meets the requirements pursuant to Sec 63-7-123, a dentist, an optometrist authorized pursuant to Sec 63-8-102 (12), or a veterinarian, and compounded or dispensed by a duly registered pharmacist. It is unlawful for any person, firm or corporation to obtain or attempt to obtain a legend drug, or to procure to attempt to procure the administration of a legend drug, by fraud, deceit, misrepresentation, subterfuge, forgery, alteration of a prescription, by the concealment of a material fact, or by the use of a false name or address. It is unlawful for any person to have in such person's possession, any drug herein defined or enumerated, without the same having been prescribed by a duly licensed physician, certified physician assistant, dentist, optometrist authorized pursuant to Sec. 63-8-102(12), or veterinarian, and having been dispensed by a pharmacy duly licensed and registered in this state, unless such person was a resident of another state and had the prescription therefore filled by a duly licensed and registered pharmacist of such other state. It is unlawful for any person knowingly or intentionally to acquire or obtain or attempt to acquire or attempt to obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. Engaging in conduct prohibited or made unlawful by any other provisions of parts 2-5 of this chapter or any other laws of the state or of the United States relating to drugs or to the practice of pharmacy. Been guilty of dishonorable, immoral, unethical or unprofessional conduct.

Action: License is revoked

Licensee: Ujawalkmuar Panhalkar, D.PH., Franklin, Tennessee

Violation: Failed to comply with a...duly promulgated rule of the board.
Tenn. Comp. R. & Reg. 1140-02-.02(3): The pharmacist in charge at each pharmacy practice site is responsible for compliance with the provisions of this chapter by pharmacy technicians at the pharmacy practice site.
Tenn. Comp. R. & Regs. 1140-01-.09(1): All licenses and certificates of registration granted by the board shall be for a two (2) year period beginning on the date the license is initially granted. All licenses and certificates of registration shall be renewed on or before the last day of the two (2) year license cycle.

Action: Board Ordered assessed civil penalty of \$100.00

BOARD OF REFLEXOLOGY REGISTRY

Licensee: Gui Li, RCR, Murfreesboro, Tennessee

Violation: Guilty of impersonating a licensed massage therapist. Engaged in unprofessional conduct.

Action: License placed on probation for one year; complete 7 hours of continuing education in ethics; assessed the costs of prosecution of this case.

ABUSE REGISTRY

Name: Deborah Mae Daniels
Abuse: Exploitation
Profession: Unlicensed

Name: Tomeka Fleming
Abuse: Misappropriation
Profession: CNA

Name: Autumn Franklin
Abuse: Exploitation
Profession: Unlicensed

Name: Scott Radbill
Abuse: Exploitation
Profession: Unlicensed

Name: Kayla Small
Abuse: Misappropriation
Profession: CNA

Name: Michelle Woodard
Abuse: Neglect
Profession: Unlicensed