

TOBY C. FROST, PHARM.D., J.D., CPBS

Pharmacy Law Expert | Doctor of Pharmacy | PBM Regulatory Specialist

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Available for retention as testifying or consulting expert. Nationwide engagements; plaintiff and defense.

AREAS OF OPINION

- Pharmacy benefit manager (PBM) contracting; network admission, credentialing, recredentialing, and provider-manual compliance.
- ERISA Section 514 preemption analysis as applied to PBM regulation, and the interaction between federal preemption and state PBM statutes.
- Pharmacy reimbursement methodology, PBM pricing, MAC pricing, and spread-pricing analysis.
- Pharmacy compounding compliance: USP 795, USP 797, USP 800; PCAB, UCAP, and ACHC accreditation standards.
- Standard of care for pharmacy operations and pharmacist practice.
- PSAO selection, contracting, and pharmacy-payer negotiation strategy.
- DEA and FDA audit preparation, response, and defense.
- State Board of Pharmacy inspections and disciplinary proceedings.
- Pharmacy operations, P&L management, multi-location management, and executive pharmacy leadership.
- Healthcare antitrust as applied to PBM vertical integration, foreclosure economics, and trade-association coordination.
- False Claims Act and qui tam matters involving pharmacy and PBM conduct.

EDUCATION

The University of Tennessee College of Law | *Juris Doctor, Health Law Concentration* 2021

Activities and honors: President, Health Law Executive Board; Health Law Class Representative; Human Trafficking Clinic; IP Litigation; Trial Advocacy; Moot Court (Saul Lefkowitz); Jenkins Mock Trial Competition; Student Advisory Board; Diversity and Inclusion Student Leadership Committee; UT Pro Bono Graduation Cord; Phi Alpha Delta Law Fraternity.

University of Tennessee Health Science Center | *Doctor of Pharmacy* 2002

Activities and honors: Class officer, 1999–2002; Kappa Psi Pharmacy Fraternity; Critical Care Selective Track; Eli Lilly competition and rotation honor for specialty medicine representation.

Carson-Newman University | *Undergraduate study; Biology major, Music Theory minor*

BAR ADMISSIONS AND LICENSURE

- Uniform Bar Examination passed, February 2026. Score qualifies for transfer admission in multiple UBE jurisdictions.
- Tennessee Pharmacist License No. 12080; active and in good standing; no disciplinary history; current expiration June 30, 2026, subject to renewal.
- Certified Pharmacy Benefits Specialist (CPBS), Pharmacy Benefits Institute of America.

PROFESSIONAL EXPERIENCE

Volunteer Pharmacy, Inc. | *Senior Director of Compliance* July 2024–Present

- Strategic compliance and operational oversight for administration, operations, and staff coordination.
- Updates company standard operating procedures responsive to policy, regulatory, and operational change.
- Coordinates staff positions and priorities to align pharmacy operations with organizational and compliance obligations.

National Rx, Inc. | *Executive Director / Senior Director of Compliance* 2014–August 2024

- Managed PBM network admission, credentialing, and recredentialing; provider-manual compliance; and PSAO selection for PBM contract negotiations.
- Negotiated supply-chain and supplier relationships, contract terms, inventory procurement, and product-development procurement.
- Prepared regulatory summaries, compliance reports, internal audit materials, and policy updates for senior management.
- Developed compliance-sensitive SOPs for retail and compounding pharmacy operations, including USP 795, 797, and 800 implementation.
- Navigated state and federal regulation for compounding and retail prescription operations; passed mock DEA and FDA audits and Board of Pharmacy inspections without recommendations.

Volunteer Pharmacy, Inc. | *Founder; Chief Executive Officer / Chief Operations Officer* 2011–2018

- Founded retail and compounding pharmacy operations from inception; selected primary wholesaler and PSAO; created NABP profiles and operational policies.
- Negotiated inventory-procurement and purchase agreements for legend drugs, specialty drugs, drug rebates, and medical equipment sales.
- Directly negotiated PBM contracts when PBMs refused PSAO participation or required direct network contracting, giving firsthand operational knowledge of PBM contracting practices.
- Built the first location to approximately \$5 million in annual revenue within three years; expanded to multiple locations and forty-two employees, reaching approximately \$12 million in annual revenue within five years.
- Added compounding services; developed training and compliance SOPs; obtained accreditation through the Pharmacy Compounding Accreditation Board and the United Compounding Accreditation Program.

Moore & Brooks | *Law Clerk* March 2020–May 2023

- Conducted legal research and drafted memoranda on health law, criminal law, and civil litigation matters.
- Drafted and edited briefs; assisted with deposition and discovery preparation; organized litigation documents.

Baker Donelson (via TruGreen engagement) | *Law Clerk* August 2021–November 2021

- Performed Logikcull-platform document review of internal company communications; completed assigned review work ahead of schedule.

Earlier Pharmacy Leadership Roles | *Pharmacist-in-Charge / Manager / District Manager* 2002–2011

- K-VA-T Food Stores, Pharmacist-in-Charge / Pharmacy Manager, 2008–2011.
- Rite Aid, Pharmacy Manager, 2007–2008.
- Sears Holdings Corporation, Pharmacy District Manager, 2003–2007.
- Target Corporation, Pharmacy Manager and District Marketing Specialist, 2002–2003.

TEACHING APPOINTMENTS

UT Health Science Center | *Adjunct Professor of Clinical Pharmacy* 2014–Present

- Advanced Community Pharmacy and Compounding/Regulatory instruction for pharmacy students and trainees.
- Teaches and supports compounding and regulatory-compliance education at the College of Pharmacy.

SCHOLARSHIP AND CURRENT RESEARCH

The PBM Shield: ERISA Preemption and the Foreclosure of Pharmacy Competition. Manuscript under journal submission, 2026.

Analyzes ERISA Section 514 preemption as applied to PBM conduct affecting pharmacy networks, reimbursement, credentialing, and patient access; develops a three-pronged reformulated connection-with test and four corrective doctrines; engages the Sixth Circuit's April 2026 *McKee Foods* decision and the Consolidated Appropriations Act of 2026.

Current research interests: ERISA Section 514, PBM network regulation, pharmacy access, healthcare antitrust as applied to vertically integrated PBM-pharmacy structures, and legislative reform of pharmacy-benefit regulation.

CERTIFICATIONS AND TECHNICAL PROFICIENCIES

- Certified Pharmacy Benefits Specialist (CPBS); Pharmacy Benefits Institute of America, TransparentRx, and University of Kentucky College of Pharmacy.
- APhA Diabetes Educator Certification; APhA Immunization Certification; APhA Asthma Certification; LexisNexis Certification.
- Regulatory and quality systems: USP 795, USP 797, USP 800; ACHC compliance; Quality Management Systems; ISO 9000 family.
- Legal research and discovery platforms: Westlaw, LexisNexis, Bloomberg, Logikcull.
- Pharmacy practice platforms: Allscripts, Pioneer, McKesson Suites, and the Microsoft Office suite.

TESTIFYING EXPERIENCE

Available upon retention. Engagement-specific testifying experience disclosed upon request, consistent with prior-engagement confidentiality obligations. Prior litigation-support work conducted in law clerk capacity is described in the Professional Experience section above.

HONORS AND RECOGNITION

- Best of the Best Compounding Pharmacy: 2017, 2018, and 2019.
- UT College of Law Pro Bono Graduation Cord, 2021.
- Saul Lefkowitz Moot Court Competition; Jenkins Mock Trial Competition, 2021.
- Eli Lilly competition and rotation honor for specialty medicine representation, Doctor of Pharmacy program.

PROFESSIONAL AFFILIATIONS AND SERVICE

American Bar Association; Tennessee Bar Association; Knoxville Bar Association; Federal Bar Association; American Health Law Association; American Society for Pharmacy Law; Tennessee Pharmacists Association; Phi Alpha Delta Law Fraternity; Kappa Psi Pharmacy Fraternity.

Service and volunteer work: UT College of Law Pro Bono Clinic; Community Coalition Against Human Trafficking; Toys for Tots; Juvenile Diabetes Research Foundation One Walk and Dream Gala; church-based charitable support.

ENGAGEMENT TERMS

- Initial conflicts check at no charge.
- Written retention agreement and retainer required before substantive engagement.
- Fee schedule provided upon request.
- Engagement formats: consulting expert; testifying expert; written reports; depositions; trial testimony; regulatory affidavits; administrative proceedings; arbitration.
- Venues: federal court, state court, administrative proceedings (DEA, FDA, State Boards of Pharmacy), and arbitration.
- Geographic availability: nationwide engagements; based in Knoxville, Tennessee.