

**INDIANA BOARD OF PHARMACY
Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

MINUTES OF JANUARY 9, 2017

Steve Anderson, R.Ph., President, called the meeting to order at 8:35 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

Members Present: Steve Anderson, R.Ph., President
Del Fanning, R.Ph., Member
Winnie Landis, R.Ph., Vice President
Donna Wall, R.Ph., Member
Mark Smosna, R.Ph., Member

Members Absent: John Wilson, J.D., Consumer Member
Kristal Williams, R.Ph., Member

Staff Present: Darren Covington, J.D., Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
Zaneta Nunnally, Compliance Director
Professional Licensing Agency
Gordon White, J.D., Deputy Attorney General
Office of the Attorney General
Nicole Schuster, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Landis/Fanning, 5/0/0
Motion carries

The Board voted to adopt the minutes from the December 12, 2016 meeting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Fanning/Landis, 5/0/0
Motion carries

FULL BOARD APPEARANCES

Jaya Tripathi from MITRE:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Tripathi gave a presentation regarding her research with the INSPECT data she received from Indiana.

The Board thanked her for her presentation.

Matthew Murawski, Associate Professor of Pharmacy, Purdue – INSPECT Data Research Request:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Matthew Murawski, PhD, R.Ph., Associate Professor and Kristin Villa, PharmD, MS, PhD Candidate gave a presentation to the Board regarding their request for access to INSPECT data for research purposes.

Ms. Villa explained the following:

This research project will be used for her Dissertation at Purdue University and can be made confidential at the Board's request. A full report will be available to the Board and INSPECT. She hopes to publish it as manuscript in relevant journals using aggregate information.

Study Purpose – over a three (3) year period:

- Examine data for evidence of changes in prescribing/dispensing trends of controlled medications after implementation of new legislation
- Examine practitioner utilization of the INSPECT System during the same period of time.
- Explore associations across prescribing changes, INSPECT utilization, and overdose incident across geographic areas.

Years of Interest:

- Requesting data from 2014, 2015 and 2016
- Years where legislative changes took place federally and in Indiana that involve controlled substances, the prescribing of controlled substances of INSPECT.

Date Requested per Data Use Policy:

- Zip Code – patient (if available); Prescriber (if available)
- Date Rx written
- Date filled
- Quantity
- Days supply
- Drug information – NDC; Product name
- Dispensing pharmacy information – Unique de-identified identifier; zip code; type (chain, grocery, independent)
- Payment type

Research Questions Addressed:

- How many controlled substances were prescribed in each year? By drug? By class or type of drug?
- What changes in controlled substance prescribing patterns have occurred during this time and compared to the 2013 IPLA study?
- What is the magnitude of any changes that may have occurred?
- As well as additional questions and graphical depictions of data

The Board thanked Professor Murawski and Ms. Villa for their presentation.

After discussion the Board moved to TABLE this request until the software update of AWARE is complete. This will be coming sometime in 2017.

Anderson/Wall, 5/0/0
Motion carries

Brandon Presley, NMS Labs – presentation of Pseudoephedrine Conversion Study:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Mr. Presley is the abuse deterrent formulations (ADF) team leader at NMS Labs. He has had twelve (12) years of experience doing ADF.

On the tablets tested he was able to extract both the ADF and Non-ADF and covert it to Meth.

He indicated that in phase 2 – the assessment of Pseudoephedrine extraction from ADF and Non-ADF was done by various methods.

The recovery percent of abuse deterrent Pseudoephedrine was high.

The Board thanked him for the presentation.

Amatheon, Inc – Christopher Yankana, CFO, Provisional License/VAWD update:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Mr. Yankana appeared before the Board to give the Board an update on his VAWD accreditation.

VAWD conducted their site visit on November 8, 2016 and had a positive visit.

After discussion, the Board moved to APPROVE an unrestricted license upon receipt of the VAWD accreditation and to extend the expiration date of the provisional license as needed.

Wall/Landis, 5/0/0
Motion carries

Walmart Technician Training Program – Tim Koch, R.Ph, CHC, Senior Director, J.S. Ethics & Compliance/Pharmacy Technician University – Brian Belmont

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Mr. Koch and Mr. Belmont appeared before the Board regarding their technician training program.

Mr. Belmont explained that Pharmacy Technician University (PTU) only does the didactic formulary part of the program. They have agreements with Pharmacies, one of which is Walmart who has hired the student and they do the hands on training with the pharmacy.

Mr. Koch indicated that it is the Pharmacy Manager of the specific store that will determine if a student is competent to obtain their license. He also indicates that all Walmart technician students must also take the PTCB examination.

After discussion the Board moved to APPROVE the Walmart Technician Program using the PTU as the didactic portion.

Wall/Smosna, 4/0/0
Motion carries

The Board further moved that Pharmacy Technician University (PTU) is APPROVED only as use of the didactic formulary part of the program. Anyone wishing to include PTU must apply to have their own program using PTU as the didactic formulary part of the program.

Wall/Smosna, 4/0/0
Motion carries

PROBATIONARY APPEARANCES

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

The Board APPROVED the following probationary appearances:

Phillip Simpson
CVS #6550
Donovan Higgins
Troy Martin
Gregory Dodds
Tara Feldhouse
Arthur Pasquinelli

Wall/Fanning, 5/0/0
Motion carries

Lisa Hurt appeared for her probationary appearance bringing with her five (5) months of PRN reports. Ms. Nunnally informed the Board that for the last several times Ms. Hurt has been scheduled, she has some excuse as to why she can't come. Her PRN contract ended in 2016.

Ms. Hurt is already scheduled for an Order to Show Cause at the February 2017 meeting.

PERSONAL APPEARANCES

The following did not appear for their scheduled appearance and will be rescheduled for the next meeting:

- Ashley Boyd – Technician in Training App

- Dupont Hospital – Dupont Hospital Ambulatory Surgery Center – Remote Location App:

Ida Parker, Technician in Training App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Parker appeared before the Board for her scheduled appearance and was not represented by counsel.

In 2002, Ms. Parker explained that she drove her boyfriend to the bank. She didn't know until later that he committed armed robbery using her as the getaway driver. They were caught during the getaway.

She was also charged with armed robbery and completed fifty-one (51) months in prison and three (3) years supervised probation following release from prison. She was also required to pay restitution in the sum of \$1,015.70

On April 18, 2007 she was released from supervised probation and the case was closed.

Ms. Parker indicated she was trying to improve herself by obtaining her GED. In 2012 she obtain an Associate Degree in Electrical Engineering. She is now wanting to train as a technician to obtain her technician license.

She is currently employed at Heart to Heart Hospice.

After discussion, the Board moved to APPROVE Ms. Parker's technician in training application.

Wall/Fanning, 5/0/0
Motion carries

Tasha Bailey, Technician in Training App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Bailey appeared before the Board for her scheduled appearance and was not represented by counsel.

Ms. Bailey explained that she was arrested for receiving stolen property.

After discussion, the Board moved to APPROVE Ms. Bailey's technician in training application.

Wall/Smosna, 5/0/0
Motion carries

Jessica Battles, Technician in Training App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Battles appeared before the Board for her scheduled appearance and was not represented by counsel.

Ms. Battles explained that twenty-two (22) years ago she was arrested for dealing Cocaine. The charge is still on her record and is a felony involving a controlled substance.

IC 25-26-19-5 Pharmacy technician license requirements; waiver of age requirement; grandfathering; training program approval

Sec. 5. (a) The board shall issue a pharmacy technician license to an individual who:

- (4) has not been convicted of:
 - (A) a crime that has a direct bearing upon the individual's ability to practice competently; or
 - (B) a felony involving controlled substances;

After discussion, Ms. Battles requested to WITHDRAW her application.

The Board moved to APPROVE Ms. Battles request to WITHDRAW.

CONSENSUS
Motion carries

Stephanie Powell, MPJE Repeat Examination App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Powell appeared before the Board for her scheduled appearance and was not represented by counsel.

Ms. Powell discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Powell's MPJE repeat examination application.

Wall/Landis, 5/0/0
Motion carries

Daniel Huelsman, MPJE Repeat Examination App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Mr. Huelsman appeared before the Board for his scheduled appearance and was not represented by counsel.

Mr. Huelsman discussed his studying habits with the Board.

After discussion, the Board moved to APPROVE Mr. Huelsman's MPJE repeat examination application.

Wall/Landis, 5/0/0
Motion carries

Reem Farooq, MPJE Repeat Examination App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Farooq appeared before the Board for her scheduled appearance and was not represented by counsel.

Ms. Farooq discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Farooq's MPJE repeat examination application.

Wall/Smosna, 5/0/0
Motion carries

Natalia Sedykh, MPJE Repeat Examination App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Sedykh appeared before the Board for her scheduled appearance and was not represented by counsel.

Ms. Sedykh discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Sedykh's MPJE repeat examination application.

Landis/Wall, 5/0/0
Motion carries

Grandview Healthcare – Daviess County Hospital d/b/a Indiana Masonic Home – Remote Location App:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Glen Eldridge, R.Ph. and Jack Wells R.Ph. both appeared before the Board regarding this scheduled appearance and were not represented by counsel.

They will be using First Dose equipment which has been previously approved by the Board.

The driver will give the Nurse the drawers and the Nurse will then replace the 'old' drawer with the new one. The driver will then return with all the 'old' drawers to the Pharmacy.

After discussion the Board moved to APPROVE the remote location application pending inspection.

Wall/Landis, 5/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following hearing was continued:

- **Westmoreland Pharmacy, Inc., License No. 60005924A, Cause No. 2015 IBP 0053**

The Drug Store, Inc., License No. 60002372A, Cause No. 2014 IBP 0025 and J. Lynne Freiberger, R.Ph., License No. 26011641A, Cause No. 2014 IBP 0024

Respondent did appear in person and was not represented by counsel regarding the Board's Motion to Modify Probation scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and Laura Iosue, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Zaneta Nunnally, Compliance Director, Timothy Thomas, Compliance Officer, Melissa Gresham, Compliance Officer and Ashley Crawford, Compliance Officer were all sworn in as witnesses for the State.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board.

The settlement agreement included INDEFINITE SUSPENSION for a period of seven (7) years for both the Pharmacy license and Pharmacist license. In discussion, the Board requested that the Compliance Officer's be at the facility when the controlled substance totes are opened for inventory.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement as amended with the closure date being end of business on January 17, 2017.

Wall/Smosna, 5/0/0
Motion carries

Indiana University Health Arnett Hospital, License No. 60006170A, Cause No. 2016 IBP 0073 and Harold David George, R.Ph., License No. 26017603A, Cause No. 2016 IBP 0072

Respondent did appear in person and was represented by counsel, Mary Feldhake regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Let the record reflect that Donna Wall recused herself from this matter and left the room.

A settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board.

The settlement agreement for Indiana University Health Arnett Hospital included a LETTER OF REPRIMAND and a FINE in the amount of \$2,000. The settlement agreement for Harold David George, R.Ph. included a LETTER OF REPRIMAND and a FINE in the amount of \$1,500.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Fanning/Landis, 4/0/0
Motion carries

Erica Lynn Sanetznik, Ph.T., License No. 67009821A, Cause No. 2016 IBP 0080

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Winnie Landis stated that although she works for CVS, she does not know the Respondent. Ms. Landis asked both sides if she could participate. Both sides indicated she could participate.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board.

The settlement agreement included INDEFINITE SUSPENSION for a period of three (3) years.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Wall/Fanning, 5/0/0
Motion carries

Jeffrey Wilson Williams, R.Ph., License No. 26015258A, Cause No. 2016 IBP 0071

Respondent did appear in person and was represented by counsel, Thomas Farlow regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Let the record reflect that Steve Anderson recused himself from this matter and left the room.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board.

The settlement agreement included INDEFINITE SUSPENSION for a period of three years with terms and conditions.

The Board amended the settlement agreement with the assessment of a \$2,000 FINE. Both parties were in agreement with the amendment.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement with the amendment of a \$2,000 FINE.

Fanning/Wall, 4/0/0
Motion carries

Michelle Solomon, Ph.T., License No. 67026402A, Cause No. 2016 IBP 0096

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and Laura Iosue, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board.

The settlement agreement included VOLUNTARY SUMMARY SUSPENSION for a period of ninety (90) days.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Wall/Landis, 5/0/0
Motion carries

Chasity Coleman, Ph.T., License No. 67028395A, Cause No. 2016 IBP 0082

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Ms. Coleman's license was placed on Summary Suspension in November 2016.

State Exhibit: B – Chronological Case Summary

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for a period of ninety (90) days.

Landis/Fanning, 5/0/0
Motion carries

John Decker, R.Ph., License No. 26017921A, Cause No. 2016 IBP 0083

Respondent did appear in person and was represented by counsel, Julie Treida regarding a Modification of Order scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph.

Let the record reflect that Mark Smosna recused himself from this matter and left the room.

Scott Kaczynski, PRN was sworn in as a witness.

The respondent and his counsel are requesting that the December 17, 2016 Probationary Order be modified. Specifically paragraph 2 of the order which states:

2. The Applicant revealed that in the last renewal cycle, he was charged with Level 6 felony criminal recklessness for firing a handgun while intoxicated in the vicinity of other homes and people. Respondent indicated he is entering into a diversion program and has signed a contract with the Pharmacist Recovery Network.

Respondent's counsel indicated that the Respondent is not entering into a diversion program and will proceed to trial on or around February 28, 2017. Also, he does not have a fully executed PRN agreement.

He has a contract with PRN, but it will not be the contract moving forward. A new contract will be entered into.

Mr. Kaczynski stated that the Respondent did sign a contract but it was an older version of their contract. He will be meeting with Mike Denton in a couple of days and PRN will have a new contract for the Respondent to sign at that time.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to MODIFY the PROBATION ORDER to say the Respondent will sign a new PRN contract by the end of this week.

Wall/Fanning, 4/0/0
Motion carries

Sandra Marie Hayes, R.Ph., License No. 26018300A, Cause No. 2011 IBP 0013

Respondent did appear in person and was not represented by counsel regarding a Petition to Reinstate scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Let the record reflect that Steve Anderson did not participate in this matter.

The Respondent presented the following facts:

- She graduated from the Tara program on December 15, 2015
- In three (3) weeks she will have 13 months of sobriety
- She signed a PRN contract back in 2012. She relapsed in 2013 and stopped the program after ending up in the Hospital.
- She speaks with her sponsor everyday
- She last worked as a Pharmacist four (4) years ago; but tries to stay current with the practice by completing continuing education

Respondent also indicated she will be joining the Tennessee State PRN program and sign a contract with them.

Respondent has a letter from Carol Dunham indicating she has completed one (1) year of sobriety.

Respondent Exhibit 1 – Letters from Teanna Almendinger and Katherine Nola

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to MODIFY the Respondent's SUSPENSION ORDER to state she must have six (6) months of compliance with a PRN contract and obtain copies of drug screens previously taken in TN; she must submit continuing education certificates for the past four (4) years and submit payment of the reinstatement fees.

Wall/Fanning, 4/0/0
Motion carries

KPaul Medical Supply, License No. 48002125A, Cause No. 2014 IBP 0074

Respondent did not appear in person and was not represented by counsel regarding the Board's Motion to Modify Probation scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Fanning/Wall, 5/0/0
Motion carries

Arthur Pasquinelli, R.Ph., License No. 26015014A, Cause No. 2003 IBP 0019

Respondent did appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Mr. Pasquinelli indicated that his license has been on probation since 2010 and stated the following facts:

- He regularly attends twelve (12) steps meetings
- He completed a five (5) year PRN program in Illinois
- He attends AA meetings twice a week and has a sponsor
- He had to take Opiates for a total knee replacement and his last pill was in October 2015 one month after surgery

Mr. Pasquinelli has been compliant with his probationary order.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Wall/Smosna, 5/0/0
Motion carries

Dalwinderpal Samra, M.D., License No. 01061542B, Cause No. 2016 IBP 0058

Respondent did appear in person and was represented by counsel, Robert Saint regarding an Order to Show Cause/CSR Reinstatement scheduled before the Board. The State of Indiana was represented by Jessica Krug, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Dr. Celestine DeTrana, Quinn Brooks, Sheen Turner and Dmino Molina were all sworn in as witnesses for the Respondent.

Dr. DeTrana is a Psychiatrist and on December 29, 2016 conducted a two and one-half (2 ½) hour exam of Dr. Samra. Dr. DeTrana stated she saw nothing that would make him an incompetent Physician and does not have any psychiatric concerns with him having a controlled substance registration.

Dr. Samra stated the DEA showed up at his office and made him sign the surrender document. He also stated he is unaware of any problems with prescribing controlled substances. Dr. Samra believed the surrender was due to accusations that his apartment was unkempt and that he believed his landlord called the DEA on him.

The Board heard testimony from the other witnesses.

Respondent:

- Exhibit 1 – Pictures of Dr. Samra's home dwelling
- Exhibit 2A – Picture of bucket under leaking sink
- Exhibit 2 – Dr. Samra's CV
- Exhibit 3 – Copy of Dr. Samra's DEA Surrender
- Exhibit 4 – List of Dr. Samra's medications
- Exhibit 5 – Dr. DeTrana's CV

State:

- Exhibit A – Letter from the apartment complex where Dr. Samra lived

After having considered the evidence presented, testimony of the witnesses and taking its file into consideration the Board moved to REINSTATE Dr. Samra's CSR.

Wall/Fanning, 5/0/0
Motion carries

Stephanie Zozulia, P.T.I.T., License No. 99072968A, Cause No. 2016 IBP 0021

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Fanning/Wall, 5/0/0
Motion carries

Joseph Mudd, R.Ph., License No. 26025275A, Cause No. 2013 IBP 0039

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default/Order to Show Cause scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph.

Notice of this hearing was mailed to the address of record.

After having considered the evidence presented and taking its file into consideration the Board moved to hold the Respondent's license in DEFAULT.

Fanning/Smosna, 5/0/0
Motion carries

The Respondent was in a PRN contract with the State of Kentucky. That contract has been closed for non-compliance which is a violation of his Indiana probationary order.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Fanning/Wall, 5/0/0
Motion carries

DISCUSSION

Rules

Pseudoephedrine rule update:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

Mr. Covington informed the Board that the emergency Pseudoephedrine rule will sunset this month.

The moratorium request for the final rule is still under review with the Governor's office.

Sterile Compounding rule update:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

Mr. Covington informed the Board that the next meeting will be February 7, 2017.

INSPECT Report – Michael Brady, Director, Amanda Garrett, Database Analyst:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

Interoperability Agreements

- Have exchanged our data sharing set with Oklahoma, will turn them on tomorrow
- This is the 24th state to have an agreement

Intergation

- Deaconess Pilot – Implementation stages, possibly have results by the next Board meeting.
- Fagen Pharmacy – Appriss helped them out on pricing and they will be turned on to Gateway in the near future.

Compliance

- Pharmacies receiving a second letter for non-compliance – 1
- Pharmacies receiving a first letter for non-compliance – 2
- Twelve (12) pharmacies were closed by the Board and INSPECT – 7 non-resident and 5 in state pharmacies
- Thirty-six (36) new pharmacies were opened – 26 non-resident and 10 in state pharmacies

New Registrants

- 28 Pharmacists
- 20 Pharmacies
- 128 Practitioners

- 12 Law Enforcement

Zaneta Nunnally – Compliance Director – Report:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

Zaneta Nunnally reported the following:

- 94 inspections were performed for the month of December
 - 60 Pharmacies
 - 5 Home Medical Equipment Facilities
 - 29 Controlled Substance Registrations
- 47 deficiencies were found
- 11 consumer complaints filed
- Three (3) robberies for the month of December
- Diversion Officer completed ten (10) investigations and has been assigned twelve (12) new ones

Ms. Nunnally also discussed some of the In-Touch Remote Location Applications. The Compliance Officers have found some problems with them during the inspection such as:

- Machine in the hall, not bolted down, no camera's – it was not behind the nurses desk
- One could not communicate with the pharmacy and had to be overridden
- Drawer failure
- One machine all drawers were opened.

After discussion the Board moved to request representatives from In-Touch appear next month for a discussion regarding the issues.

CONSENSUS
Motion carries

The Board thanked Ms. Nunnally for her report.

Medication Therapy Management Update:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

The Board needs to set minimum standards for doing MTM. Donna, Mark and Krystal volunteered to serve on a working group. Emily Hancock from FSSA will also be participating. Mr. Covington indicated he is still working on getting the Committee set-up.

Rule 29 (electronic data processing) and Rule 40 (EDI) reconciliation:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

There is a conflict between rule 29 and rule 40 and it needs to be reviewed. Mr. Covington asked for volunteers to assist in reviewing the rules. Mark Smosna and Donna Wall volunteered to work with Darren on this matter.

Controlled substance monitoring rule:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

Mr. Covington informed the Board that 856 IAC 6 is outdated and should be repealed.

REVIEW OF APPLICATIONS

Individual Application Review:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

The following individual application(s) were reviewed and APPROVED for issuance.

Wall/Landis, 5/0/0
Motion carries

- Mark Steingass – Pharmacist App
- Paul Hobbs – Pharmacist App

The following individual application(s) were reviewed and a PERSONAL APPEARANCE was requested.

Wall/Fanning, 5/0/0
Motion carries

- John Fritz – Pharmacist App

Continuing Education Applications:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

The Board reviewed and APPROVED the following applications to provide Continuing Education.

Landis/Wall, 5/0/0
Motion carries

- Painweek – Approval to use for Pharmacist Continuing Education – 11.5 hours
- Don Newman – Morton Plant Hospital – Poloypharmacy in the Elderly – 1 hour
- Jaxson Burkins – Parkview Health – Role of Intravenous Lipid Emulsion in Calcium – 5 hours
- Christopher Riegel – Central Indiana Association of Pharmacist – So you want to give Viagra to my Baby? – 1.5 hours

Facility Applications:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

The Board reviewed and APPROVED the following facility applications.

Fanning/Wall, 5/0/0
Motion carries

- Choice Rx Pharmacy, Inc. – Non Resident App
- Valparaiso Professional Pharmacy – Pharmacy/CSR App
- Safeway, Inc. d/b/a Albertson-Safeway Pharmacy #4705 – Non Resident App
- Pharmore Drugs, LLC – Non Resident Change of Location App
- Healthcare Pharmacy, LLC – Non Resident App
- The Woodlands Apothecary – Non Resident App
- Father David, LLC d/b/a Maxcare Pharmacy – Non Resident App
- Brookside Rx, LLC – Non Resident App

Controlled Substance Registrations, HME & EDI Applications:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

The Board reviewed and APPROVED the following CSR, HME & EDI application(s).

Anderson/Wall, 5/0/0
Motion carries

- Indiana University School of Medicine/Joseph Dynlacht, Ph.D. – Researcher CSR App – Schedule 3 only
- Indiana University School of Medicine/Natalia Bogatcheva, Ph.D. – Researcher – Schedules 3,3N
- Dasco – Reid Home Medical Equipment – HME App


- IU Health Arnett IM/PEDS Greenbush – Hospital/Clinic – Schedules 3,3N
- IU Health Arnett Family Medicine/Residency Program – Hospital/Clinic – Schedules 1,2,2N,3,3N,4,5
- AAA Medical Supply, LLC – HME App
- Bedard Medical, Inc – Out of State HME App
- Roche Diabetes Care – HME Change of Location App
- Roche Health Solutions, Inc – HME Change of Location App
- Bloomington ASC, LLC d/b/a IN Specialty Surgery Center – Surgery Center CSR App – Schedules 2N,4

The Board reviewed the following CSR Application and requested an Order to Show Cause be issued for an appearance.

- Elizabeth Sanders, A.P.N. – CSR Application – Positive Response.

Anderson/Wall, 5/0/0
Motion carries

There being no further business the Board adjourned at 6:15 p.m.



Steve Anderson, R.Ph., President

Winnie Landis, R.Ph., Vice President