

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

MINUTES OF MAY 8, 2017

Winnie Landis, R.Ph., Vice President, called the meeting to order at 8:37 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: Del Fanning, R.Ph., Member
Winnie Landis, R.Ph., Vice President
Mark Smosna, R.Ph., Member
John Wilson, J.D., Consumer Member
Kristal Williams, R.Ph., Member

Member Absent: Steve Anderson, R.Ph., President
Donna Wall, 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: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Fanning/Williams, 5/0/0
Motion carries

The Board voted to adopt the minutes from the April 10, 2017 meeting.

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Fanning/Smosna, 5/0/0
Motion carries

FULL BOARD APPEARANCES

Randy Hitchens, R.Ph., Indiana Pharmacists Alliance:

This matter was continued.

Troy Group, Lindsay Brown, Director of Corporate Business Development:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Brown appeared before the Board to present the company's unique software based secure prescription printing solution to print prescriptions on plain paper.

He gave a sample of a printed prescription to each member for review.

They currently service about six hundred (600) hospitals in forty-two (42) states).

Since they don't have preprinted pads, there is no chain of custody needed. He stated that it also meets CMS requirements.

There are a couple of other companies that provide this but the difference is Troy Group also has the ability to do watermarks.

Mr. White informed the Board that to be able to approve this type of software the Board would have to look at doing a rule change. This specific section hasn't been updated since 1995.

The Board thanked Mr. Brown for his presentation and requested this matter be added as a discussion matter at the next board meeting.

Meredith Lizza, Communications & Legislative Director, Indiana Professional Licensing Agency:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Lizza appeared before the Board to discuss the legislative changes that would affect the Board.

HB1019 Controlled Substances – Adds the substance U-4770 to Schedule I. Adds Etizolam to Schedule I. Adds the chemical description of buphedrone.

HB1540 Pharmacies and Pharmacists – Allows the state health commissioner or a designated public health authority who is a licensed prescriber to issue a statewide standing order, prescription, or protocol that allows a pharmacist to administer or dispense a smoking cessation product. Requires that the standing order, prescription, or protocol be posted on the Internet web site of the board of pharmacy. Allows: (1) more than four members of the same political party; and (2) individuals who are full-time members or professors at a school of pharmacy; to serve on the board. Allows the board to adopt emergency rules concerning pharmacies that perform compounding. Removes the requirement that a pharmacy permit and pharmacist's license be prominently displayed at the pharmacy. Removes the requirement that a prescriber be notified when there is a change in the quantity filled of certain prescriptions. Adds the following immunizations to the list of immunizations that the pharmacists may administer if certain conditions are met (1) Measles, mumps and rubella. (2) Varicella. (3) Hepatitis A. (4) Hepatitis B. (5) Haemophilus influenza type b (Hib). Allows a pharmacist to administer pneumonia immunizations to individuals who are at least 50 years of age. Requires a pharmacist to comply with the public health emergency consent requirements for immunizations administered during a public health emergency. Authorizes a pharmacist to administer immunizations under a standing order, prescription, or protocol of the state health commissioner. Defines "patient care", "remote dispensing facilities" and "telepharmacy" for purposes of the laws concerning remote dispensing facilities. Establishes a registration for pharmacy remote dispensing facilities and sets forth requirements for the registration. Makes various changes to the laws concerning drug regimens and the use of protocols. Requires that a health insurance policy and a health maintenance organization contract that provide coverage for prescription medications must provide synchronized refill schedule coordination for prescription medications for chronic conditions. Provides that the taking of a controlled substance from: (1) a pharmacist acting in an official capacity; or (2) a pharmacy; is robbery, a Level 4 felony. Provides that: (1) the use of a deadly weapon; or (2) causing bodily injury to any person other than the defendant; during the robbery of; (A) a pharmacist acting in an official capacity; or (B) a pharmacy; is a Level 2 felony. Provides that causing serious bodily injury to any person other than the defendant during a robbery of: (1) a pharmacist acting in an official capacity; or (2) a pharmacy; is a Level 1 felony.

Other bills discussed were:

- HB1069
- HB1337
- SB51
- SB151
- SB226
- SB408

The Board thanked Ms. Lizza for her report.

Express Scripts Pharmacy Technician work-from-home Pilot – Tera Teachout:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A pilot draft was presented to the Board for review. The Board worked with IC 25-26-13-4(c) Variance to rules to see if they can allow a pilot project.

After reviewing the draft and discussion the Board moved to GRANT the variance.

Williams/Smosna, 5/0/0

Motion carries

Controlled Substance Registration application for Limited Dental Faculty Permits:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

At the April board meeting, Mark Stetzel, D.D.S., Chair of Board of Dentistry and John Williams, D.M.D., Dean of the I.U. School of Dentistry appeared to discuss the possibility of their faculty with Limited Dental Faculty Permits obtaining Controlled Substance Registration.

There are two (2) types of faculty licenses. A Limited Dental Faculty license and an Instructor license. The Instructor license was allowed several years ago to obtain a controlled substance registration.

The controlled substance registration if approved for the Limited Dental Faculty license would only be used for any of the IU facilities in the state of Indiana.

This matter was discussed at the April 7, 2017 Dental Board meeting and they unanimously voted to request controlled substance registrations for the Limited Dental Faculty licenses.

Mr. White indicated at the April meeting that he would review the matter. Mr. White reported to the Board that a person with a Limited Dental Faculty Permit could also obtain a Controlled Substances Registration.

The Board thanked Mr. White for his research.

PROBATIONARY APPEARANCES

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The following made their probationary appearances:

Phillip Simpson
Troy Martin
Stephan Day
Atiman Damodaran
Barney Dotson
Jamie Slusher

PERSONAL APPEARANCES

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

- **Shayna Eck**

Kristy Davis, Technician in Training App:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Davis appeared before the Board regarding a positive response on her technician in training application and was not represented by counsel.

In the last ten (10) years Ms. Davis has been arrested for the following:

- Criminal conversion
- Driving while suspended
- Battery

Her last arrest was in 2012. She does currently have a valid driver's license.

After discussion, the Board moved to APPROVE Ms. Davis' technician in training permit.

Wilson/Williams, 5/0/0
Motion carries

Stephanie Rutledge, Technician in Training App:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Rutledge appeared before the Board regarding a positive response on her technician in training application and was not represented by counsel.

Ms. Rutledge submitted three (3) letters of recommendation.

In 2015 she was arrested for Marijuana.

In 2016, she was in a car wreck. Another car hit hers, but she kept going and turned on the next road and was charged with leaving the scene of an accident. She stopped but didn't stay where the accident happened. She was also charged with a DUI. Her BAC was .16.

Her sobriety date is June 13, 2016. She has eight (8) months left of drug court. She goes to the Bowen center three (3) times a week. Wednesday nights she attends group meetings and meets with a counselor every two (2) weeks. She also has appearances before the judge monthly. She attends AA/NA meetings through Celebrate Recovery.

After discussion, the Board moved to APPROVE Ms. Rutledge's technician in training permit on INDEFINITE PROBATION for the length of her criminal probation with terms and conditions.

Smosna/Wilson, 5/0/0
Motion carries

Erin Duckworth, Technician in Training App:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Duckworth appeared before the Board regarding a positive response on her technician in training application and was not represented by counsel.

Ms. Duckworth informed the Board that she was arrested for shop-lifting at a J.C. Penney's and entered into a pre-trial diversion agreement.

Her diversion agreement consisted of:

- Twenty (20) hours of community service, which she has already completed
- May not enter into a J.C. Penny store for one (1) year
- Paid fees to J.C. Penny

Her probation will end November 28, 2017.

After discussion, the Board moved to APPROVE Ms. Duckworth's technician in training application on INDEFINITE PROBATION with terms and conditions.

Fanning/Smosna, 5/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Tracy Bair, P.T.I.T., Permit No. 99079130A, Cause No. 2013 IBP 0007

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 Whitney Cooper, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Bair was placed on Summary Suspension by the Board for diverting controlled substances from her employer.

Her criminal trial is scheduled for August 8, 2017.

States Exhibits:

3 – Court 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 ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Samantha Beaver, Ph.T., License No. 67028131A, Cause No. 2017 IBP 0001

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing & Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Whitney Cooper, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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/Williams, 5/0/0
Motion carries

Ms. Cooper requested that the Board extend the Summary Suspension for an additional ninety (90) days.

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 an additional ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Brittany Berkshire, Ph.T., License No. 67028869A, Cause No. 2017 IBP 0006

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing and Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Whitney Cooper, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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/Williams, 5/0/0
Motion carries

Ms. Cooper requested that the Board extend the Summary Suspension for an additional ninety (90) days.

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 an additional ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Matthew Bezy, R.Ph., License No. 26026502A, Cause No. 2017 IBP 0010

Respondent appeared 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 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Bezy verbally agreed to the ninety (90) day extension of the summary suspension.

Ms. Hilliker indicated to the Board that the complaint will be filed in the next thirty (30) to sixty (60) days.

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

Fanning/Williams, 5/0/0
Motion carries

Eric Bond, Ph.T., License No. 67015984A, Cause No. 2016 IBP 0046

Respondent appeared 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 Tim Weber, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Bond informed the Board that he has been released from his criminal probation.

He has complied with all of the terms of his Board order.

Respondent Exhibit
1 – Proof of release from probation

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.

Williams/Smosna, 5/0/0
Motion carries

James Cahillane, D.D.S., License No. 12007586B, Cause No. 2017 IBP 0012

Respondent appeared in person and was not represented by counsel regarding an 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: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Dr. Cahillane informed the Board that his Dental license is now active as the probation status with withdrawn by the Dental Board on December 2, 2016.

He has been totally compliant with the Wellness Program run by Candace Backer.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Cahillane's Controlled Substance Registration.

Fanning/Smosna, 5/0/0
Motion carries

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

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing and 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: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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/Williams, 5/0/0
Motion carries

State Exhibit
C – Copy of court documents

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 ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Gregory Ferro, M.D., License No. 02000365B, Cause No. 2017 IBP 0018

Respondent did appear in person and was represented by counsel Georgianne Walker regarding an Order to Show Cause 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION for a period of three (3) years with terms and conditions.

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

Smosna/Williams, 5/0/0
Motion carries

Sarah Graham, Ph.T., License No. 67019073A, Cause No. 2017 IBP 0025

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 the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Let the record reflect that Winnie Landis recused herself from this matter.

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

Fanning/Williams, 4/0/0
Motion carries

Michael Love, M.D., License No. 01048505B, Cause No. 2016 IBP 0086

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 Stacy Oliver, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included EXTENSION of SUMMARY SUSPENSION for ninety (90) days.

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

Fanning/Wilson, 5/0/0
Motion carries

Ronica Parker, Ph.T., License No. 67025280A, Cause No. 2017 IBP 0009

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 Stacy Oliver, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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 ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Tahnee Pattengale, P.T.I.T., License No. 99074690A, Cause No. 2017 IBP 0004

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing & Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Whitney Cooper, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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/Williams, 5/0/0
Motion carries

The Board further moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Caroline Payne, R.Ph., License No. 26016510A, Cause No. 2016 IBP 0089

Respondent did not appear in person and was represented by counsel Shelley Jackson regarding a Disciplinary Hearing & 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: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A proposed settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION until her Kentucky license is unencumbered. No vote, motion fails.

The Board further moved to TABLE this matter for an updated agreement.

Smosna/Williams, 5/0/0
Motion carries

A revised settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The revised settlement agreement included INDEFINITE SUSPENSION until the Kentucky suspension is lifted.

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

Williams/Smosna, 5/0/0
Motion carries

Kurt Poole, Ph.T., License No. 67026493A, Cause No. 2016 IBP 0062

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 Helliker, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Pool completed his probation with the courts in February 2017. He has complied with all the terms of his probation.

Respondents Exhibit:

1 – Court release from probation

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.

Smosna/Fanning, 5/0/0
Motion carries

Randi Pratt, Ph.T., License No. 67013344A, Cause No. 2017 IBP 0008

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 Whitney Cooper, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Cooper informed the Board they are still investigating this matter.

After having considered the evidence presented and taking their file into consideration the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

Mark Rogers, R.Ph., License No. 26022199A, Cause No. 2014 IBP 0054

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: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Scott Kaczynski, President, Pharmacy Recovery Network (PRN) was sworn in as a witness for the Respondent.

In April 2014 Mr. Rogers entered into a PRN contract.

Mr. Kaczynski testified that Mr. Rogers has been compliant with his PRN contact. He has he has been exemplary in his compliance. The contact was completed April 2017.

Respondents Exhibit:

1 – Letter from PRN; document listing UDS; letter from Mike Denton; letter from his sponsor.

After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board moved to WITHDRAW the Order of Probation.

Wilson/Williams, 5/0/0
Motion carries

Richard Shults, P.A., License No. 10000348B, Cause No. 2017 IBP 0021

Respondent appeared in person and was not represented by counsel regarding an 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: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Shults has been a Physician Assistant for seventeen (17) years. The Physician Assistant Committee withdrew the probation order in March 2017.

His sobriety date is September 6, 2012. He has completed two (2) treatment programs.

He saw an Addictionologist who did a fitness for duty evaluation and declared him fit for practice.

Respondents Exhibit

- 1 – Review of events that brought him here today
- Copy of NCCPA certification and IN license
- Toxicology screens
- Kosciusko Community Hospital employee performance report
- Letters from MedStat
- Letter from Michael Baldwin

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Mr. Shults Controlled Substance Registration.

Fanning/Wilson, 5/0/0
Motion carries

Jaime Slusher, R.Ph., License No. 26020830A, Cause No. 2014 IBP 0055

Respondent appeared 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 Tim Weber, 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Valerie Gaylor was sworn in as a witness for the Respondent.

Ms. Gaylor testified that she is the Respondent's PRN mentor and feels she has done very well with her PRN compliance.

Ms. Slusher has been compliant with the Board's Order of Probation.

Respondent Exhibits:

- 1 – Email from Mike Denton
- Letter from Carol
- Email from her Pharmacy Manager
- Letter from her Sponsor
- Listing of drug screens

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.

Fanning/Wilson, 5/0/0
Motion carries

Adam White, Ph.T., License No. 67004771A, Cause No. 2016 IBP 0092

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing and Extension of Summary Suspension 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., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Williams/Smosna, 5/0/0
Motion carries

The Board further moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Williams, 5/0/0
Motion carries

DISCUSSION

Rules

Pseudephedrine rule update:

Participating Members: Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The moratorium exception was approved.

Sterile Compounding rule update:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Committee met last week and are very close to completing the review of the sample draft of the rule for the Board to review. They hope to bring it to the Board at the June 2017 meeting for the Board to review.

INSPECT Report – Kara Slusser, Inspect Director:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Kara Slusser, Inspect Director was introduced to the Board.

Ms. Slusser reported that the integration with Deaconess went live on April 27, 2017 and they are exceptionally happy with it. She indicated that before the integration one inquiry would take anywhere from three and on-half (3 ½) minutes to five (5) minutes and since the integration an inquiry now takes three (3) seconds.

The Board welcomed Ms. Slusser and thanked her for her report.

Zaneta Nunnally – Compliance Director – Report:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Zaneta Nunnally reported the following:

- 106 inspections were performed for the month of April
 - 64 Pharmacies
 - 6 Home Medical Equipment Facilities
 - 36 Controlled Substance Registrations

- 40 deficiencies were found

- 6 consumer complaints filed
- One (1) robberies for the month of April

The Board thanked Ms. Nunnally for her report.

Michael Minglin discussed SB 413 concerning inspections. The first time a compliance officer does an inspection, they do not cite the pharmacy for issues. They do a corrective plan of action and re-inspect within thirty (30) days. At the second inspection they can then cite the issues if they haven't been corrected.

Medication Therapy Management Update:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Committee just met two (2) weeks ago and are in the early stages on drafting rules for the Board to review. They will meet again next week.

Beacon Orthopedics:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Covington informed the Board that although the Board moved to issue an order, IPLA's Chief Counsel said that the Indiana Board of Pharmacy doesn't have jurisdiction over a Physician's Office, therefore the order can't be issued.

Nichole Schuster, Deputy Attorney General indicated that the order should have been issued.

She further stated, the question is does the Pharmacy Board have authority to issue an order in this matter. Beacon Orthopedics is a Physician office and has an Athletic Trainer doing compounding.

Ms. Schuster indicated it is subject matter jurisdiction and the Board has the right to issue the order if the compounding is a threat to the health and safety of the public. It would then be the responsibility of the physician practice to allege that the Board did not have jurisdiction.

Laura Iosue, Deputy Attorney General, indicated the Attorney General's Office proceeded without the Board's input. They contacted a compounding expert at Butler and they are reviewing Beacon's procedures. Beacon is now compounding again since the Board's order was never issued.

Pharmacy Technician apps without a high school diploma or GED:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Last month Mr. White indicated he would check on the education issue with Technicians.

Mr. White found that "Pharmacy technicians used to be referred to in the statute as "unlicensed persons". IC 25-25-13-18. The Board adopted a rule in 1995 that defined "unlicensed persons" as "pharmacy technicians" (856 IAC 1-35-2) and that rule established qualifications for pharmacy technicians. They had to be high school graduates or have a GED. The rule has not changed much over the years. It did not, and does not, say anything about the age of applicants or waivers or any requirements.

In 2003 the General Assembly adopted P.L. 251-2003, Sec. 3 (codified at IC 25-26-19) which is entitled "Regulation of Pharmacy Technicians". The statute establishes an age qualification (age 18) and gives the Board the authority to waive that requirement. IC 25-26-19-5(b) and IC 25-26-19-6(d).

I have been unable to locate any language in the current statutes and rules or their ancestors that gives the Board the authority to waive the high school graduation/GED standards."

Since the Board does not have the authority to waive the high school graduation/GED standards, then everyone applying for a technician application must have proof of their high school graduation or GED.

Controlled Substance Registrations for Limited Dental Faculty Permits:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. White reviewed the Pharmacy rules and Dental Board rules and indicated to the Board that someone with a limited dental faculty permit may obtain a controlled substance registration.

Controlled Substance Registration (CSR) Surrender Request:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Covington informed the Board that he has received a request from Barbara Parke, M.D., License number 01044537B to surrender her controlled substance registration.

He is not aware of any issues that are pending.

After discussion the Board moved to APPROVE the voluntary surrender of Ms. Parke's CSR.

Wilson/Smosna, 5/0/0
Motion carries

Virtual Manufacturers – Licensing and VAWD Accreditation:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Mr. Covington reported the following regarding this issue.

Virtual Manufacturers have title of the drug product but never take possession of the actual drug.

Do they need a license to pass title of the drugs? Virtual distributors can now obtain VAWD accreditation where they couldn't in the past.

Our rules indicate that even if you don't physically move the product you need a license.

A virtual manufacturer was allowed to rely upon the 3PL's VAWD accreditation.

REVIEW OF APPLICATIONS

Individual Application Review:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Williams/Smosna, 5/0/0
Motion carries

- LaQuieta Atkinson – Technician in Training App
- Hope Adams – Technician in Training App
- Alexis Green – Technician in Training App

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

Williams/Smosna, 5/0/0
Motion carries

- Vanity Branson – Technician in Training

Continuing Education Applications:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Williams/Smosna, 5/0/0
Motion carries

- Ronald Foster – Monroe Hospital – American Heart Association Advanced Cardiovascular Life Support (ACLS) – 4.5 hours
- R. Brian Wolfe – IU Health Ball Memorial Hospital – Human Immunodeficiency Virus – 1 hour
- Don Newman – Morton Plant Hospital – GERD – 1 hour
- Rita Weiss – University of Colorado – Immunology I 570 – 7 hours
- R. Brian Wolfe – IU Health Ball Memorial Hospital – Stroke-Acute Treatment, The IU Health BMH Experience – 1 hour
- Don Newman – Morton Plant Hospital – Inflammatory Bowel Disease – 1 hour
- Christopher Riegel – Central IN Association of Pharmacists – Breathing Better: Comparing Updates and COPD Management – 1.5 hours

Pharmacy Technician Programs:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Board reviewed and APPROVED the following Pharmacy Technician Training Program(s):

Landis/Wilson, 5/0/0
Motion carries

- Indiana Veterans Home ASHP - initial approval

The Board reviewed and TABLED the following Pharmacy Technician Training Program(s):

- Terre Haute Regional Hospital Technician Training – reapproval – needs to submit books for review.

Controlled Substance Registrations, HME & EDI Applications:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Fanning/Williams, 5/0/0
Motion carries

- Accudoc Inc, P.C. – Out Patient CSR – Schedules 3,3N,4
- DME Supply USA, LLC – HME out of State App
- NCS Healthcare of KY Inc – Wholesale Distributor CSR – Schedules 3,4,5
- Orbit Medical, Inc – HME out of State Change of Location App
- Cashflow Solutions Inc d/b/a Medical Solutions Supplier – HME out of State Change of Location App
- Indiana University School of Medicine/Min Zhang – Researcher CSR – Schedule 3
- Lincare Inc – HME out of State Change of Location App
- Deaconess Hospital Inc d/b/a Deaconess Home Medical Equipment – HME App
- Indiana University School of Medicine/Kathryn Jones – Researcher CSR – Schedules 3,3N
- Indiana University School of Medicine/Pierre Dagher, M.D. – Researcher CSR – Only Schedules 3,3N
- Indiana University School of Medicine/Adrian Oblak – Researcher CSR – Schedule 3
- Indiana University School of Medicine/Hongxia Ren – Researcher CSR – Schedule 3
- Indiana University School of Medicine/Raghavendra Mirmira – Researcher CSR – Schedule 3,3N
- Indiana University School of Medicine/Kenneth Dunn, Ph.D./Dept of Medicine/Division of Nephrology – Researcher CSR – Schedules 3,3N
- Indiana University School of Medicine/Andrea Bonetto, Ph.D. – Researcher CSR – Schedule 3N
- Indiana University School of Medicine/Dan Spandau – Researcher CSR – Schedule 3,3N
- Indiana University School of Medicine/Meijing Wang – Researcher CSR – Schedules 3,3N
- Indiana University School of Medicine/Robert Bacallao – Researcher CSR – Schedules 3,3N
- CG Oxygen, LLC – HME App

The Board reviewed and requested an ORDER TO SHOW CAUSE be issued for an appearance on the following CSR Application(s):

Wall/Smosna, 6/0/0
Motion carries

- Rhonda Suettock, A.P.N. – CSR App

The Board reviewed and TABLED the following HME Application(s):

- Old Town Medical Equipment, LLC – HME out of State App

Facility Applications:


Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Board reviewed and APPROVED the following facility application(s).

Fanning/Wilson, 5/0/0
Motion carries

- Merissa Corp d/b/a Johnson Compounding and Wellness – Non Resident App
- Village Lane Apothecary, LLC – Non Resident App
- Valeda Rx, LLC – Non Resident App
- UPS Supply Chain Solutions, Inc – Wholesale Drug Distributor App
- Family Fare Pharmacy #115 – Non Resident App – Approved pending 795 Policy and Procedures
- The Medicine Chest Pharmacy – In State Pharmacy Change of Ownership App
- Bluegrass Pharmacy of Lexington, LLC – Non Resident Change of Location App
- Bluegrass Pharmacy of Lexington, LLC – Non Resident Change of Ownership App
- Procure Pharmacy, LLC d/b/a CVS/pharmacy #10762 – Non Resident Change of Location App
- Gabecare Direct Rx, Inc d/b/a DirectRX Specialty Pharmacy – Non Resident Change of Location App
- Portage Pharmacy, Inc – Non Resident App
- Helping Hand Pharmacy, LLC – Non Resident App
- Ford’s Pharmacy, LLC – Non Resident App
- King’s Daughters Pharmacy, LLC d/b/a Little River Healthcare Pharmacy – Non Resident App
- Agropec Trading, LLC d/b/a Allivet – Non Resident Change of Ownership App

There being no further business the Board adjourned at 4:20 p.m.



Winnie Landis, R.Ph., Vice President