

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

MINUTES OF JUNE 12, 2017

Steve Anderson, R.Ph., President, called the meeting to order at 8:53 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
Mark Smosna, R.Ph., Member
Kristal Williams, R.Ph., Member
Donna Wall, R.Ph., Member

Member Absent: John Wilson, J.D., Consumer 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., Steve Anderson, R.Ph., Donna Wall, R.Ph.

Wall/Landis 6/0/0
Motion carries

The Board voted to adopt the minutes from the May 8, 2017 meeting.

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

Fanning/Smosna, 6/0/0
Motion carries

FULL BOARD APPEARANCES

State Epidemiologist – Access to INSPECT Data:

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

Pam Pontones, Deputy State Epidemiologist appeared regarding this matter.

Effective July 1, 2017 the following was amended by Legislature to add number eleven (11).

IC 35-48-7-11.1(d) Except as provided in subsections (e) and (f), the board may release confidential information described in subsection (a) to the following persons:

(11) The state epidemiologist.

Ms. Pontones indicated it would benefit the State Epidemiologist Office to have access to identified data to better understand overdoses. They would use it to look at prescribing practices, overdoses, and fatalities from overdoses.

They would like to use in in their violent death reporting system – putting the data into this module would show the areas where overdoses are the highest. It would also show prescribing practices in those areas.

When looking at high prescribing is taking place, they will review both the prescriber and the area in which it took place.

After discussion, the Board agreed to set-up an INSPECT account for the state epidemiologist and delegates.

Dennis Watson, Assistant Professor, Department of Social & Behavioral Sciences, IU, Richard Fairbanks School of Public Health:

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

Mr. Watson is requesting a letter of support from INSPECT regarding the following.

A number of barriers within the state prevent people living with opioid use disorder from accessing medication assisted treatment (MAT). Planned Outreach, Intervention, Naloxone, and Treatment (POINT) is an emergency department based intervention that engages individuals revived from an opioid overdose and works with them to overcome barriers to accessing and continuing MAT.

POINT was developed and is currently operating in Indianapolis's Eskenazi Hospital. Initial results of a quality improvement study support the intervention's potential for improving patient outcomes. The proposed project will extend this work using a hybrid effectiveness-implementation study to (a): test POINT's ability to engage patients experiencing non-fatal overdose and reduce opioid mortality and its effect on subsequent outcomes, while also (b): documenting processes and outcomes necessary to assess its potential for adoption and implementation in other hospitals and health systems. The ultimate goal of this work is the development of an effective and scalable intervention for engaging opioid overdose survivors in MAT.

The aims of the study are:

1. Replicate POINT in another Indianapolis-based hospital to prepare for subsequent effectiveness trial
 - 1a. Test the feasibility of a multifaceted POINT implementation strategy using qualitative data collected through site visit field notes and phone interviews with POINT staff and supervisors
 - 1b. Conduct a pilot test of POINT to establish feasibility of research protocols for a subsequent multi-site trial.
2. Conduct a pragmatic cluster randomized clinical trial to establish POINT's effectiveness in comparison to standard care.
 - 2a. Assess POINT's effectiveness for improving outcomes utilizing existing administrative and public data
 - 2b. Further test the conceptual model/theory of change underlying POINT through collection of original data among a subset of POINT participants to enhance understanding the mechanisms through which the intervention improved outcomes.
3. Determine the extent to which POINT is scalable to other hospitals and systems.
 - 3a. Conduct an analysis to understand the benefits of POINT relative to its costs
 - 3b. Identify potential barriers and facilitators to inform future scaling activities for POINT through qualitative interviews with potential adopters.

This project is strongly aligned with Indiana's 21st Century Cures Act funding, as Goal 4 of the state's Cures Act application seeks to develop the Indiana Recovery and Peer Support Initiative, which will implement ED-based peer supports in various hospitals across the state.

Mr. Watson indicated they will follow the patient for a period of one (1) year.

He further indicated that their servers are all HIPPA compliant and they will not share the data. The data will be destroyed at the end of the study.

After discussion the Board moved to APPROVE a letter of support from INSPECT.

Wall/Fanning, 6/0/0
Motion carries

Alex Cohen, Director of Learning and Evaluation, Richard M. Fairbanks

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

Mr. Cohen is requesting aggregated, de-identified data on prescribing of opioids and medications used to treat opioid use disorder for use in the Foundation's Dashboard, which the Foundation uses to guide its grant making and more effectively help address the opioid epidemic in Marion County.

To track progress toward goals related to opioid use, the Foundation has created a Dashboard. In addition to outcomes like overdose death rate and non-fatal Emergency Department visits for opioids rate, the Dashboard will track metrics related to access to treatment for opioid use disorder, prescribing of opioids, size of the mental and behavioral health workforce and other topics. Tracking these metrics help guide our grant making by identifying areas of greatest need.

The Foundation is requesting the total quantity of each controlled substance summed up at the patient zip code-month-NDC level. Because data will be aggregated at the drug, month and zip code level, it will not be possible to identify individuals.

Time period is January 2012 through March 2017 with the possibility of adding additional months as they become available

The Foundation will use this information to track number of prescriptions for opioids and prescriptions for medications used to treat opioid use disorder in Marion County each month.

The Foundation will be partnering with IU to obtain an IRB.

The Board voted to approve the request pending receipt of the IRB.

Wall/Landis, 6/0/0
Motion carries

Joshua Singletary, R.Ph., Pharmacists license from inactive to active status:

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

Bret Busby, Compliance Officer was sworn in as a witness.

Mr. Singletary indicated that he voluntarily took a leave of absence from work due to stress and requested his license be placed on inactive status so that he could remain employed with CVS.

He is still employed with CVS and will be transferring to Florida to continue his employment with CVS.

Mark Bunton assisted Mr. Singletary by reading a letter from Heather Bennett, CVS that stated Mr. Singletary was on a leave of absence until June 30, 2017 and could return to work with a fitness for duty evaluation.

Bret Busby, Compliance Officer testified.

Mr. Singletary indicated to the Board that he has already had a fitness for duty evaluation and mental evaluation.

After discussion, the Board moved to have Mr. Singletary submit copies of his fitness for duty evaluation and also submit copies of his continuing education. The Board requested this matter be set for the July 2017 meeting.

CONSENSUS
Motion carries

Jim Mowery, Poison Center – Gabapentin and safety effects:

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

Mr. Mowery appeared before the Board to discuss this issue.

He indicated there has been an increase of 200% since 2002. In 2012 they started seeing Heroin with Gabapentin use. Gabapentin is 35th on the list of abuse drugs.

Reporting to the poison center is voluntary.

In the State of Kentucky they have scheduled Gabapentin and in Ohio they have added it to their PME reporting.

The Board thanked Mr. Mowery for his report.

Kristen Villa, PharmD, MS, Ph.D. Candidate – Request for INSPECT Data:

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

Kristin Villa, PharmD, MS, PhD Candidate gave a presentation to the Board regarding a 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

After discussion the Board moved to APPROVE her data request for de-identified data from 2014-2016.

Landis/Fanning, 6/0/0
Motion carries

PERSONAL APPEARANCES

Vanity Branson, Technician in Training App:

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

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

Ms. Branson was convicted of Maintaining a Common Nuisance.

She had people in her house when the Police arrived they found some Cocaine and no one admitted it was theirs. One of the people in her house had a warrant for an arrest.

Since it was her house she was charged with dealing Cocaine, but the charges were reduced to Maintaining a Common Nuisance.

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

Wall/Fanning, 6/0/0
Motion carries

Josephine Adutwumwaa, Repeat Exam App – MPJE:

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

Ms. Adutwumwaa appeared before the Board and discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Adutwumwaa's request to retake the MPJE.

Landis/Smosna, 6/0/0
Motion carries

Sonia Ngankwe, Repeat Exam App – MPJE:

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

Ms. Ngankwe appeared before the Board and discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Ngankwe's request to retake the MPJE.

Smosna/Williams, 6/0/0
Motion carries

Ashley West, Repeat Exam App – NAPLEX:

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

Ms. West appeared before the Board and discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. West's request to retake the NAPLEX.

Wall/Williams, 6/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Robert Ash, M.D., License No. 01041068B, Cause No. 2017 MLB 0026

Respondent appeared in person and was represented by counsel Richard Kiefer and Michael Gaerte regarding an Order to Show Cause 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 Margie Addington with Accurate Reporting of Indiana.

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

Dr. Ash testified that a patient of his stole a pad of blank prescription forms and wrote prescriptions for herself and for her friends. He does not know how she got access to the pad.

His Medical license was on Indefinite Probation for one (1) month. The Board required him to do CEU's and once they were completed he could request to reinstate his license on active status. He completed all CEU requirement in that one (1) month period.

After having considered the evidence presented and taking its file into consideration the Board moved to APPROVE Dr. Ash's controlled substance registration reinstatement.

Wall/Landis, 6/0/0
Motion carries

Lisa Booth, M.D., License Pending, Cause No. 2017 IBP 0022

Respondent did appear in person and was represented by counsel Richard Kiefer regarding an Order to Show Cause 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 Margie Addington, with Accurate Reporting of Indiana.

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

Dr. Booth voluntarily surrendered her DEA after writing prescriptions for her son and daughter-in-law without recording the information in their medical records, nor did she preform a medical examination.

She prescribed Hydrocodone and Adderall.

Dr. Booth has completed continuing education credits regarding this matter.

States Exhibits:

A – MLB Order

B – Copies of prescriptions wrote to her son

C – Walgreens Affidavit of records

D – INSPECT report on her Son

F – Copies of prescriptions wrote to her daughter-in-law

G – INSPECT report on her daughter-in-law

I – Prescription from DaVitaRx

J – Prescription from Parkview Home Infusion

K – Prescription from LaGrange Hospital

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Booth's controlled substance registration reinstatement.

Smosna/Wall, 6/0/0
Motion carries

Kevin Foster, R.Ph., License No. 26014737A, Cause No. 2016 IBP 0038

Respondent did appear in person and was represented by counsel Brittany Newland regarding a Disciplinary Hearing 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 Margie Addington, with Accurate Reporting of Indiana.

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

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included REVOCATION and a FINE of \$1,000.

Mr. Foster indicated verbally that he understands the agreement and does agree to it.

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

Fanning/Williams, 6/0/0
Motion carries

Allison Jones (Gerdt), Ph.T., License No. 67013432A, Cause No. 2016 IBP 0090

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 Matthew Daly, Certified Legal Intern and Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

Wall/Williams, 6/0/0
Motion carries

Bernardo Lucena, M.D., License No. 01039302B, Cause No. 2016 IBP 0090

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 Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

In November 2015, Dr. Lucena's controlled substance registration was reinstated on Indefinite Probation.

He has completed seventy-two (72) hours of CE.

Dr. Lucena was to provide the Board with a copy of his INSPECT report as part of his probation order. He did not bring it with him. At this time the Board recessed this hearing in order for Dr. Lucena to obtain the INSPECT report.

The Board reconvened the hearing later in the day.

Dr. Lucena's INSPECT report was given to the Board for their review.

Respondents Exhibits:
1 – copies of CEU's

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 on Dr. Lucena's controlled substance registration.

Landis/Smosna, 6/0/0
Motion carries

Ashley Prickett, Ph.T., License No. 67017864A, Cause No. 2017 IBP 0011

Respondent did appear in person and was not represented by counsel regarding a Disciplinary Hearing & Proposed Settlement Agreement 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 Margie Addington with Accurate Reporting of Indiana.

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

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

Ms. Prickett stated she did agree to the Revocation.

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

Wall/Landis, 6/0/0
Motion carries

Alisha Russell, Ph.T., License No. 67028353A, Cause No. 2017 IBP 0034

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 Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

Dann Cooper, Regional Loss Prevention Manager for CVS and Joshua Wheat, R.Ph Supervisor with CVS were both sworn in as witnesses.

Mr. Cooper informed the Board that they have a customer who always requests to have her prescription counted again before leaving the store. This customer's pills were coming up short.

During an investigation of the matter, Ms. Russell admitted to diverting the pills.

States Exhibit:

A – Employee file with CVS

B – IPLA application file

After having considered the evidence presented, testimony of the witnesses and taking its file into consideration the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Wall/Williams, 6/0/0

Motion carries

John Shafer, Ph.T., License No. 67029114A, Cause No. 2017 IBP 0035

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 Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

Mr. Covington indicated he received an email from Mr. Shafer letting him know that he would not be at this hearing as he was working.

States Exhibits:

A – Employment file

B – Criminal file from Tippecanoe

C – Criminal file from Elkhart County

Mr. Shafer was arrested by Purdue University Police for possession of a controlled substance.

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

Landis/Williams, 6/0/0
Motion carries

Noah Sharp, R.Ph., License No. 26025454A, Cause No. 2014 IBP 0006

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 Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

Mr. Sharp indicated his Ohio license was placed on probation and he was on contract with their impaired pharmacist program.

His Indiana license was then placed on probation with one of the terms being he must have his Ohio license reinstated on active status to request his Indiana license to be reinstated. He submitted proof that his Ohio license is not unencumbered and on active status. He completed the Ohio impaired program in March 2017, but continues to attend three (3) AA meeting a week and speaks with his sponsor weekly.

He has not had any relapses.

Respondent Exhibit:

- A – Letter from Ohio Board regarding withdraw of probation
- Letter from Executive Director of the Ohio impaired program indicated he complete it successfully

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/Landis, 6/0/0
Motion carries

Sheryl Shaw, R.Ph., License No. 26022477A, Cause No. 2017 IBP 0016

Respondent did not appear in person and was not represented by counsel regarding a State's Motion to Dismiss Complaint 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 Margie Addington with Accurate Reporting of Indiana.

Mr. Weber explained that Ms. Shaw was the pharmacist in charge at a CVS store that had a failed inspection. Once reviewing the records it was found that Ms. Shaw had only been at this CVS for three (3) days prior to the inspection.

Therefore they request to dismiss the complaint against Ms. Shaw.

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

Landis/Smosna, 6/0/0
Motion carries

Philip Simpson, R.Ph., License No. 26023441A, Cause No. 2016 IBP 0061

Respondent did appear in person and was not represented by counsel regarding a Petition to Modify Probation scheduled before the Board. The State of Indiana was represented by Matthew Daly, Certified Legal Intern and Laura Iosue, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

Valerie Gaylor, PRN was sworn in as a witness.

Mr. Simpson indicated his sobriety date is June 1, 2016. He signed a contract with PRN on November 20, 2106.

He attends seventeen (18) AA meetings per month and speaks with his sponsor daily.

Ms. Gaylor testified he has been under contract with PRN since November 2016.

Respondent Exhibits:

A – Drug testing results, letter from Carol Dunham, Letter from Mike Denton, Results of the diversion program.

His Kentucky license was suspended in February 2017 and he must be in the PRN program for six (6) months to request reinstatement.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to MODIFY the Respondents Probationary Order as follows:

- Delete the inability to work in a pharmacy in Indiana. May not work as a PIC
- Indefinite Probation for three (3) years from today
- Must sign a new contract with PRN for three years from today
- May not work more than forty (4) hours per week with no more than ten (10) hours per day
- His employer must sign a copy of the order and return it to the Board within seven (7) days
- Any other discipline or a status change on any license must be reported to the Board.

Wall/Fanning, 6/0/0
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 an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Stacey Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of 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/Smosna, 6/0/0
Motion carries

Vera Vankov, Ph.T., License No. 67008908A, Cause No. 2016 IBP 0041

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 Margie Addington with Accurate Reporting of Indiana.

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

The Respondent was terminated for diverting Phentermine from her employer.

Ms. Vankov indicated to the Board she did not divert any medication from her employer. She did admit to the Board that she had a prescription for Phentermine from her Doctor, but she stopped taking it because it didn't work for her.

She signed a work statement "I understand that my employment was terminated on May 8, 2015 due to my actions of theft". She explained to the Board that she was so upset due to these accusations and she was crying she didn't know what she signed or agreed to.

She did admit to mixing seven (7) tablets with some expired tablets and tried to get the pharmacists in charge to count them and review the expired tablets but he wouldn't do it.

Ms. Vankov also has a technician license in Illinois.

State Exhibits:

B – Employee file from Fagen Pharmacy

C – Letter from Vera to the AG's Office

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

Wall/Fanning, 5/1/0 with Mr. Smosna opposed
Motion carries

Bradley Ypma, R.Ph., License No. 26022716A, Cause No. 2013 IBP 0034

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 Stacey Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

Valerie Gaylor was sworn in as a witness.

Mr. Ypma indicated his license has been on probation status with the Board since May 2014.

His sobriety date is July 5, 2013.

He goes to twelve (12) AA/NA meeting per month and speaks to his sponsor two (2) to three (3) times per week. He also sees his counselor twice a month.

He last worked as a pharmacist in January 2013.

Ms. Gaylor testified that Mr. Ypma completed his contract with PRN.

Respondent Exhibits:

A – PRN letter of completion from Carol Dunham, PRN letter from Mike Denton, Copies of UDS.

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

Landis/Smosna, 6/0/0
Motion carries

Hongxing Zhang, R.Ph., License No. 26021608A, Cause No. 2017 IBP 0019

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 Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting of Indiana.

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

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of 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, 6/0/0
Motion carries

Corina McAllister, Ph.T., License No. 67012539A, Cause No. 2016 IBP 0097

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default 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 Margie Addington with Accurate Reporting of Indiana.

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

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

Fanning/Williams, 6/0/0
Motion carries

Ms. McAllister was terminated from Walgreens for diversion of narcotics. She admitted to taking the Hydracodone.

She was also charged criminally and received two (2) years of probation and a fine.

States Exhibit:

A – Certified court documents.

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.

Wall/Williams, 5/0/1 with Mr. Smosna abstaining
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., Steve Anderson, R.Ph., Donna Wall, R.Ph.

The notice of intent was published this month.

Sterile Compounding rule update:

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

The Committee met last week and finalized the rules. The Committee will present the rule to the Board at the July 2017 meeting for the Board to review.

INSPECT Report – Kara Slusser, Inspect Director:

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

Kara Slusser, Inspect Director was introduced to the Board.

Ms. Slusser reported that the integration with Deaconess went live on April 27, 2017 has gotten great feedback and they are exceptionally happy with it. They will be sending out a survey to 350 Deaconess Physicians.

She will be meeting with St Vincent and Deaconess on the positives of intergration.

There is a conference in Kansas for PDMP Directors and Ms. Slusser requested the Board to approve the use of CSR funds to allow her to attend.

After discussion the Board moved to APPROVE CSR funds for Ms. Slusser to go to the PDMP Directors conference in Kansas.

Wall/Williams, 6/0/0
Motion carries

Zaneta Nunnally – Compliance Director – Report:

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

Zaneta Nunnally reported the following:

- 150 inspections were performed for the month of April
 - 113 Pharmacies
 - 14 Home Medical Equipment Facilities
 - 23 Controlled Substance Registrations
- 58 deficiencies were found
- 15 consumer complaints filed
- There were no robberies for the month of May

Ms. Nunnally reported: In a sweeping indictment released May 23, nine (9) men and an unspecified number of juveniles are facing federal drug and racketeering charges in connection with a gang that robbed more than twenty (20) pharmacies in Indianapolis. The gang, which called itself "The Mob," committed at least one (1) murder and at least two (2) dozen pharmacy robberies throughout the city, according to court documents. In addition, the documents allege, the gang threatened violence against anyone who talked to police and demanded they uphold the "code of silence".

Ms. Nunnally informed the Board that the NADDI conference would be in Pittsburg in October and she would like to request that the Board approve the use of CSR funds to pay for three (3) employees to attend the NADDI conference.

After discussion the Board moved to APPROVE the use of CSR Funds for the three (3) employees to go to the NADDI Conference.

Williams/Smosna, 6/0/0
Motion carries

The Board thanked Ms. Nunnally for her report.

Medication Therapy Management Update:

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

The Committee is still meeting to discuss initial concepts to include this rule.

Pharmacy Technician apps without a high school diploma or GED:

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

Two months ago, Mr. White indicated he would check on whether the Board could waive the diploma/GED requirement for technicians. Mr. White advised the Board that it did not have that authority.

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.

The Board then discussed whether a diploma/GED was required to obtain a technician-in-training permit. Ms. Schuster indicated that it was not necessary.

Mr. Covington asked if the pharmacy technician program has to be approved by the Board for them to obtain a technician in training permit. Ms. Schuster indicated she will research and hopefully have an answer next month.

Home Medical Equipment Applications:

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

Ms. Edens requested that the Board consider allowing staff to review and approve the home medical equipment (HME) applications unless they have a positive response.

Ms. Edens also requested to allow the out of state HME applications for change of location that had a HME license in Indiana before the out of state rules were effective to be able to approve the change of location application without the HME meeting the new out of state rules.

After much discussion, the Board moved to ALLOW staff to review and approved all HME applications except for those with a positive response or issue that the Board needs to review. They also moved to GRANDFATHER all the out of state HME change of location applications until renewal time. At renewal time all HME's that are out of state will need to submit the new out of state requirements before their license can be renewed.

Wall/Smosna, 6/0/0

Motion carries

Virtual Manufacturers – Licensing and VAWD Accreditation:

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

Mr. Covington reported the following regarding this issue.

Virtual Manufacturers/Distributors have title of the drug product but never take possession of the actual drug. The Board discussed whether they needed a wholesale license. Virtual manufacturers/distributors are now able to obtain VAWD accreditation, which is a prerequisite to licensure.

The definition of distribution includes both passage of title or possession. As such, they would be required to have licensure.

If a virtual manufacturer is FDA approved then no licensure is required in Indiana. If it is not FDA approved and they are passing title into or within Indiana, they would need a wholesale drug distributor license and have VAWD accreditation.

Virtual distributors will also be required to obtain a wholesaler license.

Licensing of 3rd Party Logistics Providers:

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

In 2013/2014 the DQSA was put into place (Drug Quality Security Act) that stated States may not license 3PL's as wholesalers.

Indiana currently license them as wholesale drug distributors. On the legislative agenda for next session is to create a 3PL license as Indiana can only currently license them as wholesale drug distributors. In the interim, the Board will continue to license 3PLs as wholesalers as no other licensure alternative is available.

Tele-pharmacy:

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

HB1540: Defines "patient care", "remote dispensing facilities" and "telepharmacy" for purposes of the laws concerning remote dispensing facilities.

Mr. Covington asked for volunteers to assist in heading up a sub-group to discuss this issue. Winnie Landis and Del Fanning volunteered.

Emergency Scheduling of Acryl fentanyl and Acetyl fentanyl:

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

The Board considered an emergency rule that temporarily amends 856 IAC 2-2-2 to add synthetic drug compounds to Schedule I.

The Board moved to ADOPT the emergency Rule adding Acryl Fentanyl to the Synthetic Drugs list.

Smosna/Wall, 6/0/0

Motion carries

NAPB Annual Meeting Update:

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

There were USP 800 discussion on what the requirements are and who will enforce it.

Donna's resolution passed. They will form a taskforce to determine the definition of a pharmacist/patient relationship.

St. Vincent Neighborhood Pharmacy Application:

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

Tim Thomas, Compliance Officer and St. Vincent Neighborhood Pharmacy's PIC appeared for this discussion.

Mr. Thomas indicated it was a change of ownership application and they will be providing drugs to a free clinic – Bulk medications to an indigent clinic – dispensed by physicians. Some days only a Nurse is there to dispense (not an advanced practice nurse). Tim indicated this does not fit into a normal pharmacy category. It is a locked pharmacy area approximately 6' X 8' and has a small safe that locks.

It has a Pyxis machine outside in a restricted room that anyone with a key card can go into the room. It was presented to him that Nurses, EMT's and Paramedics have authority to enter. There is a countertop in this room where the compounding is done. It does not have a hood.

The PIC indicated that the compounding is considered 'immediate use' so they aren't required to have a hood.

During discussion the Board indicated that it would rely on its inspectors to determine if all licensure requirements, including compounding requirements, were met.

PRN:

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

Mr. Covington reported to the Board that he has received a report from PRN. They have seventeen (17) participants currently enrolled in the program. Thirteen (13) are Board ordered and four (4) are self-reported.

Beacon Orthopedics

Mr. Covington reported that he will meet with Michael Minglin, General Counsel, Deputy Director and Nicole Schuster, Deputy Attorney General regarding this issue on Tuesday and will give a report to the Board at their next meeting.

REVIEW OF APPLICATIONS

Individual Application Review:

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

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

Smosna/Fanning, 6/0/0
Motion carries

- Mary Cheatham – Technician in Training App
- Jamie Hunter – Technician in Training App
- Tenasha Stewart – Technician in Training App
- Gina Walter, R.Ph. Exam App – Special Accommodations

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

Smosna/Fanning, 6/0/0
Motion carries

- Darrin Patton – Technician in Training
- Dana Barnes – Technician in Training

The following individual application(s) were reviewed and TABLED for additional documentation.

Smosna/Fanning, 6/0/0

Motion carries

- Jimmy Harvey – Technician in Training App

Continuing Education Applications:

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

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

Landis/Wall, 6/0/0

Motion carries

- Erin Albert – LearnLive Checkpoint Learning Thomson Reuters – The Internet of Things and Its Impact on Business – 1 hour
- Don Newman – Morton Plant Hospital – Advanced Care Planning and the Role of Palliative Medicine – 1 hour
- Elizabeth Riddell – Barnes Jewish Hospital/Washington University – Advanced Revascularization – Chapter X (ARCH2017) – 19 hours
- Paul Szostak – Community Health Network – Practical Applications of Pharmacogenomics in Clinical Pharmacy – 1 hour
- Don Newman – Morton Plant Hospital – COPD – 1 hour
- Don Newman – Morton Plant Hospital – Pulmonary Hypertension – 1 hour
- Kaitlyn Robinson – Veronique De Valemick, Erasme Hospital – 37th International Symposium on Intensive Care & Emergency Medicine – 28 hours

Judith Williams, R.Ph., License No. 26012046A – Ms. Williams submitted documentation to be evaluated for CEU's to complete her renewal CE audit. Donna Wall reviewed the documentation and moved to APPROVE it for 23.75 hours of CEU's.

Wall/Smosna, 6/0/0

Motion carries

Pharmacy Technician Programs:

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

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

Landis/Smosna, 6/0/0

Motion carries

- K-Mart Indiana Pharmacy Tech Training Program – initial app
- Good Samaritan Hospital Pharmacy Technician Program – re-approval – Approved pending receipt of the actual books and they are AHSP.

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

Landis/Smosna, 6/0/0
Motion carries

- Medicine Plus Technician Training Program – initial app – need updated books the one's submitted were from 1990's.

The Board reviewed and requested a PERSONAL APPEARANCE for the following Pharmacy Technician Training Program(s):

Landis/Smosna, 6/0/0
Motion carries

- In-Touch Pharma University – Initial app

Controlled Substance Registrations, HME & EDI Applications:

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

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

Anderson/Wall, 6/0/0
Motion carries

- Patrick O'Donnell, M.D. – CSR App – Positive Response
- Patrick Tangnee, M.D. – CSR App – Positive Response
- CLD Investors, LLD – HME Change of Location App
- Indiana University School of Medicine Neuroscience Research Building/Eric Engleman, Ph.D. – Researcher CSR App – Schedules 1,2N,3N,4
- Responsive Home Health Care, Inc – HME Change of Location
- Innovative Supply Group – HME Change of Ownership App
- Indiana University School of Medicine/Peter Roach – Researcher CSR Relocation App – Schedules 2,2N
- Purdue University/Tonglei Li – Researcher CSR App – Schedules 2N

- Indiana University School of Medicine, Neuroscience Research Building/Fletcher White, Ph.D. – Schedules 2N,3,3N,5
- Indiana University School of Medicine/Clark Simons, M.D. – Researcher CSR App – Schedules 2,2N,3,3N
- Indiana University School of Medicine/Zao C. Xu, M.D. – Teaching Institution Relocation App – Schedule 3
- Responsive Home Health Care, Inc. – HME Change of Location App
- Sunocs, LLC – Manufacturer CSR App – Schedule 4
- Butler University/Jennifer Berry Lumadue – Researcher CSR App – Schedule 2N
- Indiana University School of Medicine/Ansheng Du, Ph.D. – Schedule 3
- Indiana University School of Medicine/Tuan M. Tran, M.D., Ph.D. – Schedule 3
- Indiana University School of Medicine/Rajiv Sood – Researcher CSR App – Schedules 2N,3,3N
- Purdue University/Matthew Ward – Researcher CSR App – Schedules 3,3N,4

The Board reviewed and TABLED the following CSR Application(s) for additional information:

Anderson/Wall, 6/0/0
Motion carries

- Advanced Pain Care Clinic, PSC – Out Patient Clinic – CSR App – Schedules 4,5

Facility Applications:

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

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

Fanning/Williams, 6/0/0
Motion carries

- Matthews Veterinary Pharmacy – Non Resident App
- Magellan Rx Pharmacy, LLC – Non Resident App
- Frontline Pharmacy Services, LLC – Non Resident App
- Boothwyn Pharmacy – Non Resident Change of Location App
- Hook-SupeRx, LLC d/b/a CVS/pharmacy #6536 – Pharmacy/CSR Remodel App

There being no further business the Board adjourned at 7:20 p.m.

A handwritten signature in black ink, appearing to read 'Steve Anderson', written over a horizontal line.

Steve Anderson, R.Ph., President

Winnie Landis, R.Ph., Vice President