

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

MINUTES OF OCTOBER 2, 2017

Steve Anderson, R.Ph., President, called the meeting to order at 8:32 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
Mark Smosna, R.Ph., Member
Matt Balla, R.Ph., Member (in at 9:00a.m.)
Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Vice President
Del Fanning, R.Ph., Member

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

Fanning/Wall, 5/0/0
Motion carries

The Board voted to adopt the minutes from the September 11, 2017 meeting.

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

Wall/Landis, 5/0/0
Motion carries

FULL BOARD APPEARANCES

Kathryn Taylor, PharmD, Chris Thomas, PharmD, BCPPS, and Rachel Morris, PharmD-PGY1, Pediatric Clinical Pharmacists, Riley Hospital for Children-IU Health

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

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

The purpose of their study is to characterize codeine prescribing patterns for pediatric patients in the state of Indiana. The rationale for performing such a study is related to the fact that the FDA has listed codeine as contraindicated in pediatric patients less than twelve (12) years of age due to safety reasons that have led to death in children. Ultimately, the purpose of their project is directed at improving the health and safety of children in the state of Indiana by identifying the current codeine prescribing patterns which can then be used to leverage educational, operational, and/or legislative interventions to curtail the use of codeine in children.

They are requesting the following INSPECT data:

- Prescription records for medications containing codeine from 1/11/2011 through 8/31/2017 for patients ages 0 to 18 years of age
- Name (to assess repeat dosing and duplication de-identification protocol per INSPECT)
- Sex
- Date of Birth
- Date prescriptions filled
- Patient zip code
- Prescriber info (name, address of practice)
- Dispensing pharmacy (name, address)
- Directions for use

Amanda Garrett, INSPECT Database Analyst addressed the Board regarding this request. At this time she is not able to complete data requests due to the integration of the INSPECT system. She stated it would be at least a year before she can begin processing requests again.

After discussion, the Board moved to TABLE this request and to work with INSPECT staff when they are able to resume reports.

Landis/Smosna, 6/0/0
Motion carries

Sumedha Gupta, Assistant Professor, Dept of Economics, IUPUI – INSPECT Data Request:

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

Mr. Gupta is requesting continued data from INSPECT. He submitted to the Board his completed, ongoing and future work with the INSPECT data.

His document contained the following:

- Study 1: Fighting the opioid epidemic with M.A. Achkar (under review)
- Study 2: The Effects of State Rules on Opioid Prescribing in Indiana with M.A. Achkar, S. Grannis, D. Revere, P. MacKie and M. Howard (revised and resubmitted)
- Study 3: Disrupted care, disrupted lives: Perceptions and experiences of chronic pain patients as state prescription opioid policies change with M.A. Achkar, B. Dennis, S. Grannis and P. MacKie (forthcoming BMJ Open)
- Study 4: Fewer prescriptions, rising overdose deaths with M.A. Achkar (in progress)

His next steps documented are as follows:

1. Impact of local economic conditions on OUDs and related deaths (with B. Mazumder, Federal Reserve Bank of Chicago)
 - a. Merge aggregated INDPECT and eKASPER data, at zip code level, with Equifax data and other measures of local economy
2. Impact of Medicaid lock-in programs on OUDs, doctor shopping, out-of-state impact on poisoning
 - a. Other state PDMPs: evidence of out-of-state shopping (Buchmueller and Carey, 2017), need integrated datasets
 - b. INSPECT has payer information, applied for eKASPER
3. Other collaborations in work – Regenstrief Institute IIUSM), VA, School of Public and Environmental Affairs (IU)

Amanda Garrett, INSPECT Database Analyst addressed the Board regarding this request. At this time she is not able to complete data requests due to the integration of the INSPECT system. She stated it would be at least a year before she can begin processing requests again.

Michael Minglin, J.D., Deputy Director, Chief Counsel joined Amanda. Mr. Minglin informed the Board that due to the integration it may be up to two (2) years before Amanda is able to begin supplying data for research projects.

After discussion, the Board TABLED this request and to work with INSPECT staff when they are able to resume reports.

Landis/Smosna, 6/0/0
Motion carries

PROBATIONARY APPEARANCES

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

The following made their probationary appearance:

Atiman Damodaran
Ryan Manges
Donovan Higgins

The following did not appear for their probation appearance and will be contacted by the Compliance staff.

Phillip Simpson

The following did not appear for their probation appearance and the Board moved to schedule this matter for an Order to Show Cause:

Tracy Anderson

Wall/Landis, 6/0/0
Motion carries

PERSONAL APPEARANCES

Victoria Whicker, Intern Permit Renewal:

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

Ms. Whicker appeared before the Board regarding a positive response on her intern permit renewal and was not represented by counsel.

Ms. Whicker explained that she was attending the Indianapolis 500 race where she bought herself and an underage friend a beer.

She was arrested for furnishing alcohol to a minor. She entered into a diversion program, which was completed in September. She had to do twenty-four (24) hours of community service and stay out of trouble for two (2) years.

After discussion, the Board moved to APPROVE Ms. Whicker's renewal.

Landis/Smosna, 6/0/0
Motion carries

Brandi King, Technician in Training App:

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

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

Ms. King stated the following regarding her positive response:

- 2005 as a minor was arrested for theft
- 2006 as a minor was arrested for theft again
- 2008 she received a summons for possession of a small amount of Marijuana
- 2008 she was arrested for Strong Arm Robbery – she stated that when she went to court this was changed to Battery. In 2009 she entered into a diversion program, where she had to do twenty-four (24) hours of community service and had to report in every three (3) months
- 2008 she also had an auto theft arrest; she indicated she was not charged, she was a passenger in a car that was stolen

She stated that the last time she was in trouble was back in 2008 and since that time she has received her GED (in 2014) and in 2015 she went to Ivy Tech.

After discussion, the Board moved to APPRVE Ms. King's technician application

Wall/Fanning, 6/0/0
Motion carries

Steven Ramsaran, Technician in Training App:

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

Mr. Ramsaran appeared before the Board regarding a positive response on his technician in training application and was not represented by counsel.

In July 2016, he entered a diversion program after being arrested for possession of alcohol and Marijuana. He has completed the Drinking and Driving program.

He also indicated that he has an Illinois technician license and they are aware of his arrest.

After discussion, the Board moved to APPROVE Mr. Ramsaran's application.

Wall/Balla, 6/0/1 with Mr. Fanning abstaining
Motion carries

Vina Amin, Pharmacist MPJE Repeat Exam App:

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

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

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

Landis/Smosna, 6/0/0
Motion carries

Julia Choi, Pharmacist MPJE Repeat Exam App:

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

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

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

Landis/Smosna, 6/0/0
Motion carries

Gevorg Martiposyan, Pharmacist MPJE Repeat Exam App:

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

Mr. Martiposyan appeared before the Board and discussed his studying habits with the Board.

After discussion, the Board moved to APPROVE Mr. Martiposyan's request to retake the MPJE.

Landis/Smosna, 6/0/0
Motion carries

Nicole Jones-Latimore, Pharmacist MPJE Repeat Exam App:

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

Ms. Jones-Latimore appeared before the Board and discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Jones-Latimore's request to retake the MPJE.

Landis/Balla, 6/0/0
Motion carries

Jenny Phung, Pharmacist MPJE Repeat Exam App:

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

Ms. Phung appeared before the Board by telephone conference call and discussed her studying habits with the Board.

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

Fanning/Landis, 6/0/0
Motion carries

Hendricks Regional Health Brownsburg Hospital – Remote Location App:

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

Lauren Vittio appeared on behalf of Hendricks Regional Health.

They will be using an Omni-cell machine and will be compounding for immediate use only.

They indicated they wanted to store drugs in a room for future use. The Board stated they could not do this as that would be acting as a Pharmacy. They need to fit all drugs into the Omni-cell machine.

After discussion, the Board moved to TABLE this matter for the policies and procedures to be reworded.

Landis/Balla, 6/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Tammy Armstrong, Ph.T., License No. 67005833A, Cause No. 2017 IBP 0037

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 Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, 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/Smosna, 6/0/0
Motion carries

Tracy Bair, P.T.I.T., License No. 99079130A, Cause No. 2017 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 Deanne Hutson with Circle City Reporting.

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

Ms. Bair has been criminally charged in Allen County with diversion of drugs from her employer. Her hearing is scheduled in November.

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.

Wall/Landis, 6/0/0
Motion carries

Jennifer Coy, Ph.T., License No. 67012615A, Cause No. 2017 IBP 0071

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 Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

Mr. Weber indicated he has spoken with Ms. Coy and she explained to him that due to the short notice she would not be able to attend the hearing.

Ms. Coy admitted in a document to her employer that she had diverted drugs, this was also caught on camera.

States Exhibit:

A – Certified copy of Meijer incident report

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.

Fanning/Balla, 6/0/0
Motion carries

Paul Elmer, R.Ph., License No. 26013086A, Cause No. 2017 IBP 0041

Respondent did not appear in person and was represented by counsel, David McNamar regarding an Extension of Summary Suspension 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 Deanne Hutson with Circle City Reporting.

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

States Exhibits:

B – Letter from HHS to the Board of Pharmacy

C – Press release regarding the indictment of Mr. Elmer

D – Voluntary recall notice by Pharmakon

E – FDA press release from April 2016 regarding use of Pharmakon products

F – FDA inspection report

G – Warning letter from HHS to Pharmakon

H – FDA inspection report (April 2014)

I – FDA inspection report

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.

Balla/Landis, 6/0/0
Motion carries

Katie Fisher, Ph.T., License No. 67025832A, Cause No. 2016 IBP 0056

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 Deanne Hutson with Circle City Reporting.

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

Ms. Haltom informed the Board that the Respondent was arrested and charged with diversion of controlled substances. Her court appearance is pending.

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/Balla, 6/0/0
Motion carries

Joseph Galdun, M.D., License No. 01049238B, Cause No. 2017 IBP 0053

Respondent did appear in person and was represented by counsel, Mark Webb regarding an Order to Show Cause 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 Deanne Hutson with Circle City Reporting.

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

Dr. Galdun explained that he was arrested after he tried to break into his neighbor's house while in possession of a sword. He did not remember the incident, but was told what happened while he was in the ambulance.

Dr. Galdun's medical license is on indefinite probation with the Medical Licensing Board for no less than three (3) years. The probation began in June 2016.

He has also signed a five (5) year contract with ISMA. He had issues with Alcohol and Ambien.

In conjunction with his ISMA contract he went to the Positive Sobriety Institute in Chicago for a six (6) week inpatient stay. This was in May 2016.

His sobriety date is March 15, 2016.

Respondents Exhibit:
1 – Letter from ISMA PAP

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Galdun's CSR renewal.

Wall/Smosna, 6/0/0
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 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 Deanne Hutson with Circle City Reporting.

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

Ms. Oliver informed the Board that the Respondent has charges from March 2016. The criminal matter just recently completed in the Court system and she will be filing an administrative complaint soon.

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

Fanning/Balla, 6/0/0
Motion carries

Katrina Kalb, R.Ph., License No. 26019952A, Cause No. 2017 IBP 0047

Respondent did not appear in person and was represented by counsel, Tarah Baldwin 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 Deanne Hutson with Circle City Reporting.

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

The Respondent ran an inspect report on 'Prince' Nelson without authority to do so.

A settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND, twelve (12) hours of continuing education in Ethics and twelve (12) hours of community service.

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

Kristina Luers, R.Ph., License No. 26020473A, Cause No. 2016 IBP 0068

Respondent did appear in person and was represented by counsel, Ginny Maxwell regarding a Reinstatement of a Suspended License 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 is Deanne Hutson with Circle City Reporting.

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

Scott Kaczynski, President of PRN was sworn in as a witness for the Respondent.

Ms. Luers' license was suspended after she diverted from her employer.

She completed drug treatment with the courts and also went to Tara Treatment program which she completed successfully.

Mr. Kaczynski confirmed that the Respondent signed a PRN contract back in 2016. The contract is good through 2019. He also stated that she is doing very well and they do support the reinstatement of her license.

Ms. Luers stated she attends five (5) AA/NA meetings per week; sees a counselor as needed and sees a therapist from Tara.

Respondents Exhibit:

- 1 – Letter from Lacey Miller, BS, Tara Treatment Center
- 2 – Certificate of completion of Marion County drug treatment diversion program
- 3 – Order to dismiss from Marion Superior Criminal Court 14
- 4 – Email from Mike Denton

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to REINSTATE the Respondent's license on INDEFINITE PROBATION for the length of her PRN contract with terms and conditions.

Balla/Fanning, 6/0/0
Motion carries

Charles McGee, D.D.S., License No. 12009254B, Cause No. 2017 IBP 0063

Respondent did appear 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 Deanne Hutson with Circle City Reporting.

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

In 2011, Dr. McGee was involved in inappropriate prescribing practices outside his scope of practice. He was also involved with using illicit drugs such as cocaine.

Dr. McGee indicated that his Dental license was placed on suspension for a period of time and then reinstated on indefinite probation for a period of time. At this time it been returned to active status by the Dental Board.

He completed a five (5) year wellness program.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the Respondent's CSR application on INDEFINITE PROBATION for not less than one (1) year with terms and conditions.

Wall/Smosna, 6/0/0
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 Deanne Hutson with Circle City Reporting.

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

The Respondent's license was placed on summary suspension back in February 2017 for diversion.

The criminal matter was recently completed and an administrative complaint will be filed with the Board soon.

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.

Landis/Smosna, 6/0/0
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 Deanne Hutson with Circle City Reporting.

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

The Respondent admitted to diverting drugs and her criminal charges are ongoing at this time.

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/Smosna, 6/0/0
Motion carries

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

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 Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

April Day, Mother of the Respondent was sworn in as a witness.

The Respondent's license has been on summary suspension since June 2017.

In a controlled substances loss report the Respondent admitted to diverting Methylphenidate and Amphetamine Salts.

The Respondent is not currently employed, but wants to return to school to become a registered nurse.

She has been seeing a therapist since August 2017.

The Respondent indicated to the Board that she was having a breakdown and that her employer, CVS took advantage of this. She also informed the Board that she passed out behind the counter and the Pharmacist just left her there and put a fan blowing on her. She has at this time filed two complaints with Human Resources against the Pharmacist.

She also indicated that before the new Pharmacist started in August 2015 the Respondent did not have any problems for the full year prior to this. All her problems started with the new Pharmacist began employment.

Ms. Day testified that she came to pick up her daughter the day she had passed out and that no one had called her or 911 regarding her daughter passing out.

Ms. Day also stated that her daughter didn't take the drugs that she wasn't even at work that day she was at home under a doctor's care.

State Exhibits:

- A – Certified copy of CVS employment file
- B – Certified copy of IPLA application file
- C – Copy of Summary Suspension Order

Respondent Exhibits:

- 1 – Copy of dismissal order from Monroe Circuit Courts
- 2 – Order of restitution from Monroe Circuit Courts
- 3 – Restitution agreement and Order

After discussion, the Board found the Respondent to be in violation of count 1.

Wall/Smosna, 4/2/0 with Mr.'s Fanning and Balla opposed
Motion carries

After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board moved to place the Respondent's license on INDEFINITE PROBATION may not lift for three (3) years with terms and conditions.

Wall/Smosna, 6/0/0
Motion carries

Cynthia Shepherd, A.P.N., License Pending, Cause No. 2017 IBP 0061

Respondent did appear 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 Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

Ms. Shepherd informed the Board that her issues were from 2006. She was arrested for possessing more than three (3) grams of pseudoephedrine, marijuana and paraphernalia.

She entered the Peach Counseling program where she failed two (2) urine drug tests, she then served time in jail.

She entered into Cares House in Ft Wayne and completed their impatient treatment program.

Her sobriety date is November 5, 2007.

She currently sponsors three (3) people.

In 2012/2013 she appeared before the Indiana Nursing Board and they approved her a full unrestrictive license.

Respondent Exhibits:

1 – Various letters of support

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

Fanning/Balla, 6/0/0
Motion carries

Matthew Steiner, M.D., License No. 010427974B, Cause No. 2017 IBP 0054

Respondent did appear in person and was represented by counsel, Mary Watts 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 Deanne Hutson with Circle City Reporting.

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

Ms. Watts explained that Dr. Steiner should have answered 'No' on this renewal application as he had reported this information back on his 2015 license renewal and appeared before the Medical Licensing Board. The Medical Board placed his license on Indefinite Probation for one (1) year. His license is now active and in good standing.

He has a Memorandum of Agreement with the DEA that expires in 2018. He surrendered his DEA back in 2013 and received it back in 2015 based upon his hearing before the Medical Board.

He went to counseling and has taken several continuing education courses regard patient/doctor relationship and opioid prescribing

Respondent Exhibits:

1 – Copy of MOU with DEA

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

Balla/Smosna, 6/0/0
Motion carries

**Briana Davidson (Stephenson), Ph.T., License No. 67023999A, Cause No. 2016
IBP 0049**

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 Deanne Hutson with Circle City Reporting.

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

The Respondent informed the Board that she petitioned the courts to withdraw the probation and to enter the charge on the record as an A Misdemeanor.

The court approved both the petition regarding the charge and approved the withdrawal of probation.

Ms. Davidson indicated she completed a one (1) year in-home detention.

Ms. Davidson has been compliant with the Board's 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.

Smosna/Landis, 6/0/0
Motion carries

Tri-Coast Pharmacy, License No. 64001261A, Cause No. 2017 IBP 0038

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 Deanne Hutson with Circle City Reporting.

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

Mr. Weber informed the Board that he has recently filed an administrative complaint regarding this matter and that Tri-Coast has surrendered their license in Florida.

He stated that that he had no objection to the summary suspension expiring.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ALLOW the Summary Suspension to EXPIRE.

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 Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

Ms. Oliver indicated that the administrative complaint will be filed soon with the Board. The circumstances that initially placed her license on summary suspension have not changed.

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

Balla/Smosna, 6/0/0
Motion carries

DISCUSSION

INSPECT Report – Kara Slusser, Inspect Director:

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

Conferences:

- PLA/INSPECT sponsored the Indiana State Medical Convention. They set up a booth and attended to educate physicians about the new integration initiative.

Grant Update:

- INSPECT has been awarded \$376,398.00 from the Harold Rogers Grant they applied last April with the Criminal Justice Institute, the official grantee on this project. Most of the funds they requested were earmarked for PDMP integration, the rest was for PR outreach projects.

AWARxE Upgrades:

- INSPECT has suspended registrations until their go-live on October 11th.
- All INSPECT users will be prompted to re-register when they attempt to login to their PDMP account for the first time, on or after this date. They has sent two (2) emails to INSPECT users to notify them of the changes to the system and plan to send one (1) more before the launch. The new registry will capture specialty data, phone numbers and DEA numbers.
- Archived data has been merged with active data and they are currently in the process of moving all INSPECT data to the AWS Cloud.
- The INSPECT team spent the day at Appriss HQ on September 26th in AWARxE Admin training.
- Key Features include the following:
 - Delegate accounts: Delegates can register for an INSPECT account and add their supervisor. The Supervisor is then emailed the delegate request for approval. The delegate account has to be approved by the Supervisor.
 - Supervisors will have auditing capabilities for their delegates.
 - Delegates can run bulk patient reports
 - The system indicates to users when more than one (1) patient matches the search criteria. An interim selection window will display the patients' forum who matched the criteria entered along with instructions to refine the search.
 - PMP Administrators will have the ability to merge any duplicate accounts
 - AWARxE also provides tutorials for learning how to access patient requests, search for a patient as a delegate, search using PMP interconnect States and interpret system messages

INSPECT Integration Initiative:

- They are making progress with the integration initiative. Some of the larger facilities that are currently working include IU Health, Community, Eskenazi, Franciscan Alliance and Meijer
- INSPECT and the Indiana Hospital Association will be hosting a joint integration meeting with representatives from Appriss and various Hospitals in Indiana to discuss a strategic plan for getting hospital signed up for integration.

In the News:

- Fox 59 filmed a report on the INSPECT integration with Kroger Pharmacies on September 20th. Meredith Lizza and Kara Slusser both attended the filming, it will be broadcast in late October.

The Board thanked Ms. Slusser for her report.

Zaneta Nunnally – Compliance Director – Report:

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

Zaneta Nunnally reported the following:

- 108 inspections were performed for the month of July
 - 50 Pharmacies

- 15 Home Medical Equipment Facilities
- 43 Controlled Substance Registrations

- 36 deficiencies were found
- 3 consumer complaints filed
- There were 0 (zero) robberies for the month of September

The Board thanked Ms. Nunnally for her report.

Edwin Brott, M.D., CSR App/Order to Show Cause Scheduled:

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

Ms. Edens informed the Board that Dr. Brott has decided to withdraw his CSR application.

She further requested that the Board consider withdrawing their Order to Show Cause since it was based upon the CSR application.

After discussion, the Board moved to WITHDRAW their Order to Show Cause.

Fanning/Landis, 6/0/0
Motion carries

State and Federal Licensing Reform:

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

The Board discussed the memo from NABP regarding State and Federal Occupational Licensing Reform.

FDA Meeting:

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

Donna Wall and Zaneta Nunnally, Compliance Director both attended the FDA two (2) day meeting in Washington D.C. and provided an update on that meeting. Of particular note, USP 800's effective date was moved to December 1, 2019.

CVS Health Limits on Opioid Prescriptions:

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

The Board discussed whether CVS was placing limits on opioid prescriptions. Winnie Landis indicated that this was a program with CVS Caremark as a pharmacy benefit manager and that employers had an option to opt out of this program.

Mohamed Gabr, Intern Permit with FPGEC:

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

Mr. Gabr has submitted documents to renew his intern permit. He has his FPGEC, but has renewed his intern permit for eight (8) years now. He has taken the NAPLEX twice and failed both times. He has taken the MPJE twice and passed on the second (2nd) try.

The statute states an Intern Permit may be renewed 1 year.
After discussion the Board moved to DENY his intern permit renewal.

Smosna/Fanning, 6/0/0
Motion carries

After further discussion, the Board moved to WITHDRAW the Denial of the intern permit renewal and request a personal appearance.

Smosna/Fanning, 6/0/0
Motion carries

INSPECT Data Request – U of SC/Justin Kistler:

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

The Board approved Mr. Kistler's request for INSPECT data at the September 2017 meeting and has since become aware that INSPECT staff will not be able to complete these requests due to the integration.

The Board moved to TABLE this previously approved request and have Mr. Kistler work with INSPECT in the future.

CONSENSUS
Motion carries

Prescribing Authority under Drug Regimens:

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

Can a Pharmacist prescribe under a drug regimen?

Nichole Schuster indicated that the law is very ambiguous and she will need more time to look into this matter.

The Board moved to TABLE this matter to give Nichole more time to review.

CONSENSUS
Motion carries

James Fletcher letter regarding denial of Sally Schwarz email request:

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

Information from the September 11, 2017 minutes:

WUSTL PET Nuclear Pharmacy is located at Washington University School of Medicine Cyclotron Facility in St. Louis, MO. They produce PET radiopharmaceuticals for clinical and research use. They are licensed as a manufacturer by FDA for the production of F-18 FDG, N-13 Ammonia and C-11 Choline. They produce their research PET radiopharmaceuticals under FDA approved INDs under UPS Chapter 823.

They requested an exemption from IC 25-26-17-3, under IC 25-26-17-7 Waiver of registration requirements Sec. 7. They are requesting a waiver of obtaining the Non Resident license.

They want to deliver approximately ten (10) radiopharmaceutical doses per year to Indiana University for use in research at the University.

After discussion, the Board moved to DENY their request for a waiver.

Smosna/Landis, 7/0/0
Motion carries

After further discussion, the Board stated that if they are an FDA approved Manufacturer they do not need a license, otherwise the request is denied.

REVIEW OF APPLICATIONS

Individual Application Review:

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

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

Smosna/Fanning, 6/0/0
Motion carries

- Sean Reilly – Pharmacist Exam App
- Geoffrey Santangelo – Pharmacist Exam App
- Mark Jarosinski – Intern Permit App

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

Smosna/Fanning, 6/0/0
Motion carries

- Alynna Nguyen – Tech in Training App

Continuing Education Applications:

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

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

Landis/Fanning, 6/0/0
Motion carries

- Don Newman – Morton Plant Hospital – Syncope – 1 hour
- Michelle Schymik – Deaconess Hospital – Tristate Diabetes Conference (GEM: Glucose Elevation Matters) – 6.6 hours
- R. Brian Wolf – IU Health Ball Memorial Hospital – Heart Failure: Getting with the Guidelines – 1 hour
- R. Brian Wolf – IU Health Ball Memorial Hospital – Antimicrobial Stewardship – 1 hour

Pharmacy Technician Programs:

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

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

Landis/Fanning, 6/0/0
Motion carries

- Walgreens Tech-builder – reapproval – changing programs – need the format of the different areas
- The requested documentation from Walgreens was emailed to Ms. Landis and she approved it.

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

Landis/Fanning, 6/0/0
Motion carries

- A-Tech Academy – initial approval – need explanation of experiential; copies of all tests and modules as well as the personal appearance

Controlled Substance Registrations, HME & EDI Applications:

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

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

Anderson/Fanning, 6/0/0
Motion carries

- Eli Lilly & Company – Analytical Lab CSR App – changing locations
- Eli Lilly & Company – Researcher CSR App – changing locations
-

The Board reviewed the following and requested an Order to Show Cause be issued:

Anderson/Landis, 7/0/0
Motion carries

- Tariq Malik, M.D. – CSR App – Positive response
- Suzanne Meeks, A.P.N. – CSR App – Positive response

Facility Applications:

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

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

Fanning/Landis, 6/0/0
Motion carries

- UPS Supply Chain Solutions – Wholesale Drug Distributor App – Positive Response
- Fresenius USA Marketing d/b/a Fresenius Medical Care North America – Review Documentation
- BDI Pharma, LLC – Wholesale Drug Distributor App – Positive Response
- BDI Pharma, LLC – Wholesale Drug Distributor App – Positive Response (2nd app)

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

Anderson/Fanning, 6/0/0
Motion carries

- Family Care Pharmacies – Non Resident App
- Totalmed Pharmaceuticals, LLC d/b/a Pharmacy 614 – Non Resident App – Positive Response

Facility Renewal Applications:

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

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

Wall/Fanning, 6/0/0
Motion carries


- BCP Veterinary Pharmacy – 64000727A – Non Resident Renewal
- Postal Prescription Services – 64000223A – Non Resident Renewal
- Marley Drugs – 64001682A – Non Resident Renewal
- Biologics Inc – 64002112A – Non Resident Renewal
- USRC Pharmacy, LLC – 64002002A – Non Resident Renewal
- Pharmacy Innovations – 64000968A – Non Resident Renewal
- ImprimisRx NJ, LLC d/b/a ImprimisRx – 64001650A – Non Resident Renewal
- Allergychoices Pharmacy – 64000725A – Non Resident Renewal
- WelldyneRx-FL – 64000963A – Non Resident Renewal
- Diamond Pharmacy Services – 64000035A – Non Resident Renewal
- Enclara Pharmacia, Inc – 64001788A – Non Resident Renewal
- Harbor Compounding & Home Health Pharmacy – 64001538A – Non Resident Renewal
- Votalab, Inc d/b/a Vasco Rx – 64000975A – Non Resident Renewal

The Board reviewed the following facility renewal application(s) and TABLED for additional documentation.

Wall/Smosna, 6/0/0
Motion carries

- Basic Home Infusion – 64000943A – Non Resident Renewal – updated VPP inspection report and explanation on how they fixed the issues
- Carepoint Georgia, LLC – 64002073A – Non Resident Renewal – information on how and what they have done to prevent future violations
- Carepoint Pharmacy – 64001418A – Non Resident Renewal – information on how and what they have done to prevent future violations
- Acariahealth Pharmacy – 64001575A – Non Resident Renewal – updated VPP inspection report and explanation on how they fixed the issues

There being no further business the Board adjourned at 7:30 p.m.



Steve Anderson, R.Ph., President

Winnie Landis, R.Ph., Vice President