

INDIANA BOARD OF PHARMACY

**Indiana Professional Licensing Agency
Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204**

MINUTES OF November 5, 2007

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Steve Anderson called the meeting to order at 9:09 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

Steve Anderson, R.Ph., President
William Cover, R.Ph., Vice President
Del T. Fanning, R.Ph., Member
Donna Wall, PharmD., R.Ph, Member
Sara St. Angelo, PharmD, Member
Winnie Landis, R.Ph., Member
Anika Calloway, J.D., Member

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy M. Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Tasha Coleman, Case Manager, Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Landis/St. Angelo

Motion carried 7/0/0

ADOPTION OF MINUTES FROM October 1, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the October 1, 2007 meeting of the Board.

Cover/St. Angelo

Motion carried 7/0/0

PERSONAL APPEARANCES

Representatives from the Orthopaedic Hospital at Parkview North appeared before the board. Jennifer Baumgartner will be inspecting the facility and reporting back to the board.

Reports were given by the Compliance Officers.

Queen Townsend did not appear before the board regarding her pharmacy technician application.

Melissa Dawson appeared before the board regarding her pharmacy technician renewal application. A motion was made and second to renew the technician certification.

Wall/St. Angelo

Motion carried 7/0/0

Natalie Hoyt appeared before the board regarding her pharmacy technician application. A motion was made and second to approve the technician certification pending the submission of documentation confirming her completion of criminal probation.

Landis/Cover

Motion carried 7/0/0

Jessica Porter did not appear before the board regarding her pharmacy technician application.

Patrick Hunt appeared before the board regarding his pharmacy technician application. A motion was made and second to issue a probationary technician-in-training certificate.

Cover/Landis

Motion carried 7/0/0

Mr. Anderson and Ms. St. Angelo left to attend a Board related meeting.

A motion was made and seconded to approve the following store closings:

<i>Store</i>	<i>Type</i>	<i>Date closed</i>
Wells Yeager Best Company Inc 118 W 7 th St Brookston, IN 47923	I	May 16, 2007
Wells Yeager Best Company Inc 120 N Third St Lafayette, IN 47901	VI	June 8, 2007
Wells Yeager Best Company Inc 3 N Earl Ave Lafayette, IN 47904	VI	June 8, 2007
Buehler's Buy Low Pharmacy 3888 SR 261 Newburgh, IN 47630	I	October 4, 2007

Calloway/Landis

Motion Carried 5/0/0

The Board approved the appearances of the following probationers:

Gerry Bowman
Shelley Brown
Bruce Burch
Michael Long
George Moffat
Teresa Moore
Elaine Niese
Kevin Querry
Eric Spray

Fanning/Wall

Motion carried 5/0/0

The Board approved the appearances of the following probationers:

Gregory Claretto

Charles Lindstrom
Dennis Mock
Ron Maze

Cover/Landis

Motion carried 5/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications:

Pet Pharmacy Rx
Independence Home Pharmacy II

Wall/Landis

Motion carried 5/0/0

A motion was made and seconded to approve the following non-resident pharmacy application pending receipt of an 800 number being listed on their label:

PharMerica

Wall/Landis

Motion carried 5/0/0

A motion was made and seconded to table the following non-resident pharmacy application and advise that they need to have an 800 number to contact a pharmacist during on-call hours:

Burderer Drug Co

Wall/Landis

Motion carried 5/0/0

A motion was made and seconded to approve the following change of location/remodel applications:

New	Old	Received
St. Joseph VNA Homecare Pharmacy 60101 Bodnar Blvd Mishawaka, IN 46544	810 E Park Place Mishawaka, IN 46545	October 22, 2007
Pavilion Pharmacy 2525 W University Ave Muncie, IN 47303	Remodel	October 3, 2007
Williams Bros LTC Pharmacy II 65 Airport Parkway Greenwood, IN 46143	305 W Howe St Bloomington, IN 47403	October 26, 2007
Williams Bros LTC Pharmacy 7 Williams Bros Dr Washington, IN 47501	4 Williams Bros Dr Washington, IN 47501	October 29, 2007

Cover/Wall

Motion carried 5/0/0

A motion was made and seconded to approve the following change of location/remodel applications:

Walgreen Co Dba Walgreens #10719 805 S Lake St Gary, IN 46403	825 S Lake St Gary, IN 46403	October 25, 2007
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Landis/Wall

Motion carried 5/0/0

A motion was made and seconded to approve the following pharmacy technician training program:

Pharmacy Trainer Schools, LLC

Landis/Wall

Motion carried 5/0/0

A motion was made and seconded to approve the following pharmacy technician applications:

Tiffany Jones
Barbara Davis
Shannon Gillum

Fanning/Landis

Motion carried 5/0/0

A motion was made and seconded to approve the following requests for age waivers for pharmacy technician applications:

Heather Anderson
Brooke Watson
Brennan Faulkenburg
Amanda Cooley
Josiah Pratt
Alyssa Koziol
Alexia Sanders

Fanning/Calloway

Motion carried 5/0/0

A motion was made and seconded to approve the following requests to issue second technician-in-training permits:

Dana Nelson
Alma Gorski

Fanning/Landis

Motion carried 5/0/0

A motion was made and seconded to table the following request to issue a second technician-in-training permit and request a letter from her employer.

Lorraine Mayberry

Fanning/Landis

Motion carried 5/0/0

A motion was made and seconded to approve the following change of ownership:

New	Old	Received
CPS Acquisition Company LLC Dba Cornerstone Pharmacy Services 3830 E Southport Rd Ste 200 Indianapolis, IN 46237	Cornerstone Pharmacy Service LLC	October 11, 2007
CPS Acquisition Company LLC Dba Cornerstone Pharmacy Services 6004 Highview Dr Bldg 1 Ste F Fort Wayne, IN 46818	Cornerstone Pharmacy Service LLC	October 11, 2007

Cover/Wall

Motion carried 5/0/0

A motion was made and seconded to approve the following pharmacist intern applications:

Sarah Tolle
Joel Hahn

Wall/Fanning

Motion carried 5/0/0

A motion was made and seconded to table the following wholesale drug distributor application and request more information on the type of business they provide:

Claris Lifesciences Inc

Wall/Fanning

Motion carried 5/0/0

A motion was made and seconded to approve the following new store applications:

Store	Type	Opening	Received
QOL Meds 620 Eighth Ave Terre Haute, IN 47804	VI	January 1, 2008	October 26, 2007
QOL Meds 601 Wall Street Valparaiso, IN 46383	VI	January 1, 2008	October 31, 2007

Cover/Landis

Motion carried 5/0/0

Settlement conferences in the following matters began at approximately 11:00 a.m. Donna Wall mediated the conferences. Michael McMains appeared on behalf of all Respondents listed below. Mark Mader on behalf of the State.

In the Matter of the Indiana License of Susan Pieper, R.Ph.
Administrative Cause No. 2007 IBP 0065

In the Matter of the Indiana License of Mary Oudin, R.Ph.
Administrative Cause No. 2007 IBP 0061

In the Matter of the Indiana License of Erica Schmidt, R.Ph.
Administrative Cause No. 2007 IBP 0063

In the Matter of the Indiana License of Robert Pison, R.Ph.
Administrative Cause No. 2007 IBP 0043

In the Matter of the Indiana License of Patrick Zimmer, R.Ph.
Administrative Cause No. 2007 IBP 0027

In the Matter of the Indiana License of Tracy McRorie, R.Ph.
Administrative Cause No. 2007 IBP 0033

In the Matter of the Indiana License of Carrie Campbell, R.Ph.
Administrative Cause No. 2007 IBP 0031

In the Matter of the Indiana License of Jerome Wolfe, R.Ph.
Administrative Cause No. 2007 IBP 0045

In the Matter of the Indiana License of Michael Williams, R.Ph.
Administrative Cause No. 2007 IBP 0029

In the Matter of the Indiana License of Adiam Adal, R.Ph.
Administrative Cause No. 2007 IBP 0041

In the Matter of the Indiana License of CVS/pharmacy #6254
Administrative Cause No. 2007 IBP 0064

In the Matter of the Indiana License of CVS/pharmacy #8674
Administrative Cause No. 2007 IBP 0060

In the Matter of the Indiana License of CVS/pharmacy #6594
Administrative Cause No. 2007 IBP 0028

In the Matter of the Indiana License of CVS/pharmacy #6580
Administrative Cause No. 2007 IBP 0030

In the Matter of the Indiana License of CVS/pharmacy #6583
Administrative Cause No. 2007 IBP 0032

In the Matter of the Indiana License of CVS/pharmacy #7791
Administrative Cause No. 2007 IBP 0040

In the Matter of the Indiana License of CVS/pharmacy #6557
Administrative Cause No. 2007 IBP 0026

In the Matter of the Indiana License of CVS/pharmacy #4982
Administrative Cause No. 2007 IBP 0042

In the Matter of the Indiana License of CVS/pharmacy #6605
Administrative Cause No. 2007 IBP 0044

Mr. Anderson and Ms. St. Angelo returned to the Board meeting.

In the Matter of the License Application of Brian Overholser, R.Ph.
License No. 26020989A
Administrative Cause No. 2002 IBP 0024
Re: Petition to Withdraw Probation

Parties and Counsel Present:
Brian Overholser, Respondent

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Landis

Case Summary:

Respondent petitioned the board to withdraw the probationary status on his license.

Witnesses for the Applicant:

Brian Overholser

Witnesses for the State:

None

Board Action:

A motion was made and seconded withdraw probation.

Landis/Calloway

Motion carried 6/0/0

A motion was made and seconded to approve the following pharmacy technician application:

Candice Nunez

Landis/Calloway

Motion carried 4/0/2 (Anderson, St. Angelo)

A motion was made and seconded to approve the following continuing education applications:

SWIPA	(1)
Alicia Thorne, PharmD	(2-1hr)
Allyson Gaylor	(1)
Nehal Pandya	(0.5)
Autumn Gordon	(0.5)
Erin Powell	(2-1hr)
R. Brian Wolfe, PharmD	(1)

Landis/Fanning

Motion carried 6/0/0

A motion was made and seconded to approve the following continuing education applications with submission of objectives:

Elkhart County Pharmaceutical Assoc (2-1hr)

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to deny the following continuing education applications:

Bloomington Hospital Dept of Pharmacy (6-1hr)

Landis/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to approve the following licensure transfers:

Ryan Cruser	(WA)
Marjorie Pesaresi	(IL)
Gregory Behrens	(IL)
Rakesh Patel	(FL)
Ayana Rowley	(NC)
Devender Dhanda	(WA)
Remy Onimoe	(MI)
Brian Almquist	(NE)
Scotty Sears	(KY)
Ike Njiaju	(MD)
Victoria Starr	(NV)

St. Angelo/Landis

Motion carried 6/0/0

A motion was made and seconded to table the following licensure transfers:

Rakesh Patel	(FL) – Needs to submit FPGE
Shekhar Sinha	(NJ) – Needs to submit photograph

St. Angelo/Landis

Motion carried 6/0/0

A motion was made and seconded to approve the following HME Provider applications pending inspection:

Lincare Inc—Owensboro, KY
Ash Pharmacy of Indiana, Inc
Respiroics Logistics Services LLC3
E&S Medical Supply Company Inc
Medela Inc
Responsive Home Health Care, Inc.
Resp-A-Care, Inc.

Anderson/Cover

Motion carried 6/0/0

A motion was made and seconded to approve the following HME changes of location:

Cardinal Home Medical, LLC
Lincare Inc—Kokomo, IN
The Scooter Store-Louisville, LLC
Walgreens Home Care, Inc
Freedom Mobility LLC
St. Mary's At Home Incorporate

Anderson/Cover

Motion carried 6/0/0

MISCELLANEOUS

Board Director's Report

A motion was made and seconded to accept the recommendation to update the Indiana drug schedules to coincide with the federal drug schedules as recommended in the August 22, 2007 Indiana State Police letter to the Professional Licensing Agency ("PLA") and as stated in the draft November 1, 2007 letter from PLA Chief Counsel Barb McNutt to Senator David Long.

Cover/St. Angelo

Motion carried 6/0/0

Board requested that the board director provide a report on salvia divinorum by collecting data on other states scheduling of the drug and proposed legislation to schedule the drug. In addition, board director shall contact law enforcement regarding abuse of the drug.

The Board has no objection to the revision of the automated medication system rule wherein the "including manual processes" language was removed from the rule. The board's interpretation of the rule as stated in the adopted October 1, 2007 board minutes has not changed based on said deletion.

Ms. Wall returned to the Board meeting.

In the Matter of the Indiana License of Traci Holling, R.Ph.

License No. 26017269A

Administrative Cause No. 2007 IBP 0057

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Steve Johnsonbaugh, Attorney for the Respondent

Traci Holling, Respondent

Participating Board Members:

Fanning

Anderson

Cover

Calloway

Landis

Wall

Witnesses for the Respondent:

Traci Holling

Witnesses for the State:

None

Case Summary:

State filed Complaint against Respondent's license seeking disciplinary action.

Board Action:

A motion was made and seconded to accept the settlement agreement presented by the parties with the inclusion of an additional term regarding continued counseling.

Landis/Fanning

Motion carried 5/1/0 (Anderson)

Representatives from Community Health Network with Michael McMains as counsel personally appeared to discuss a new automated medication system, IntelliFill i.v.

In the Matter of the Permit Application of Ashley Brown, Technician in Training

Certification No. 99027232A

Administrative Cause No. 2007 IBP 0015

Re: Order to Show Cause

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Witnesses for the Respondent:

None

Witnesses for the State:

None

Case Summary:

Board issued an Order to Show Cause to the Respondent regarding her failure to meet the terms of her probation.

Board Action:

A motion was made and seconded to issue a notice of proposed default.

Cover/Landis

Motion carried 7/0/0

State of Indiana vs. Kristina Perkinson, Pharmacy Technician

Certification No. 67000283A

Administrative Cause No. 2007 IBP 0012

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, Deputy Attorney General
Thomas McGee, Certified Graduate Intern

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Case Summary:

The State seeks to extend the summary suspension of the Respondent's license for an additional ninety (90) days.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Wall/Landis

Motion carried 7/0/0

State of Indiana vs. Jessica Napier, Technician in Training

Certification No. 99025304A

Administrative Cause No. 2007 IBP 0008

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Thomas McGee

Participating Board Members:

Fanning

Anderson

St. Angelo

Cover

Calloway

Wall

Landis

Case Summary:

The State seeks to extend the summary suspension of the Respondent's license for an additional ninety (90) days.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Cover/St. Angelo

Motion carried 7/0/0

In the Matter of the License of Paula Ashburn, Pharmacy Technician

Certification No. 67003335A

Administrative Cause No. 2007 IBP 0023

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, Deputy Attorney General

Elizabeth Ferguson, Certified Graduate Intern

Participating Board Members:

Fanning

Anderson

St. Angelo

Cover

Calloway

Wall

Landis

Case Summary:

The State seeks to extend the summary suspension of the Respondent's license for an additional ninety (90) days.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Wall/Fanning

Motion carried 7/0/0

State of Indiana vs. Kathy Uebel, Pharmacy Technician

Certification No. 67000814A

Administrative Cause No. 2007 IBP 0011

Re: Extension of Summary Suspension

Parties and Counsel Present:

Mark Mader, Deputy Attorney General
Elizabeth Ferguson, Certified Graduate Intern

Participating Board Members:

Fanning
Anderson
St. Angelo
Cover
Calloway
Wall
Landis

Case Summary:

The State seeks to extend the summary suspension of the Respondent's license for an additional ninety (90) days.

Board Action:

A motion was made and second to extend the summary suspension for an additional ninety (90) days.

Landis/Cover

Motion carried 7/0/0

OLD/NEW BUSINESS

Board reviewed the suggested revisions to Agenda items as presented in the November agenda packet. Board has no objection to the Agenda item revisions.

Discussion regarding board's recommendation to charge licensees and the Attorney General's Office subsequent closing of those files.

A motion was made and seconded to approve the following renewal applications:

Aetna Rx Home Delivery, LLC—Non-Resident Pharmacy Positive Response
Prime Therapeutics, LLC—Non-Resident Pharmacy Positive Response
TAP Pharmaceuticals Inc—Non-Resident Pharmacy Positive Response
Walgreens Mail Service Inc, Orlando FL—Non-Resident Pharmacy Positive Response
Walgreens Mail Service Inc, Tempe AZ—Non-Resident Pharmacy Positive Response

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to deny the following renewal application because he has been working on his expired license at an Indiana pharmacy:

Edward Certain, Jr.—Pharmacist License Expired 06/30/2002

St. Angelo/Cover

Motion carried 7/0/0

A motion was made and seconded to table the following renewal application and request a personal appearance:

Wedgewood Village Pharmacy—Non-Resident Pharmacy Positive Response

St. Angelo/Cover

Motion carried 7/0/0

The meeting adjourned at 2:48 p.m.

Steve Anderson, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, December 10, 2007
Indiana Professional Licensing Agency
Conference Room W064