

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

**MINUTES OF FEBRUARY 10, 2020**

Matt Balla, R.Ph., President, called the meeting to order at 8:47 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: Matt Balla, R.Ph., President  
Mark Smosna, R.Ph., Member  
Donna Wall, R.Ph., Member  
Steven Anderson, R.Ph., Vice President  
Winnie Landis, R.Ph., Member

Members Absent: Del Fanning, R.Ph., Member

Staff Present: Michael Minglin, J.D., Deputy Director, General Counsel,  
Acting Board Director  
Professional Licensing Agency  
Laura Turner, J.D., Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
Zaneta Nunnally, Compliance Director  
Professional Licensing Agency  
Nicole Schuster, J.D., Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Smosna/Landis, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board voted to adopt the minutes for the December 9, 2019 and January 13, 2020 meetings as written.

Landis/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

### **FULL BOARD APPEARANCES**

#### **Vytos Pharmacy – License Renewal – Licenses: 60003794A/B, 60006040A/B, 60006313A/B, 60006558A/B:**

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

Nathan Damasius, Owner and Stephanie Eckerle, J.D. appeared on behalf of this matter.

Ms. Eckerle informed the Board that on the renewal application they did answer positive to the question regarding a conviction of a misdemeanor or felony. She stated that in an agreement between V.J. Damasius and the Superior Court of Lake County, Criminal Division, V.J. Damasius agreed to the following:

- The State agrees to file an amended information adding Count VI: Stalking, a Level 6 Felony in Cause # 45G01-1805-F5-000035.
- The Defendant (V.J. Damasius) agrees to plead guilty to Count VI: Stalking, a Level 6 Felony in Cause # 45G01-1805-F5-000035
- The Parties agree the Defendant will be sentenced to two and one-half (2.5) years Department of Corrections, to be served on home detention through Lake County Community Corrections Program.
- The Defendant agrees to plead guilty to Count III: Intimidation, a Level 6 Felony in Cause # 45G01-1805-F5-000035
- The Parties agree the Defendant will be sentenced to two (2) years Department of Corrections; all suspended to be served on Probation
- The State agrees to file an amended information adding Count XV: Stalking a Level 6 Felony in Cause # 45G01-1806-F5-000057
- The Defendant agrees to plead guilty to Count XV: Stalking a Level 6 Felony in Cause # 45G01-1806-F5-000057
- The Parties agree the Defendant will be sentenced to two and one-half (2.5) years Department of Corrections; with one and one-half (1.5) served on home detention through Lake County Community Corrections and one (1) year suspended to be served on Probation.
- The parties further agree that said sentences will be served consecutive to on another for a total of seven (7) years.

Ms. Eckerle also stated that V.J. Damasius owns 16% of Vytos and only works as a Pharmacist eight (8) hours per week.

They also discussed a Pharmacy Technician that was arrested for having controlled substances in his car. The Police informed Nathan Damasius of the arrest as the technician has worked in Vyto's Pharmacy. He had resigned just previous to the arrest.

They are doing quarterly inventory of schedules two through fives (2-5) and have hired an ex-DEA agent to come every six (6) months to review the policies and procedures for any possible changes that are needed.

After discussion, the Board moved to APPROVE all LICENSE RENEWALS for Vyto's Pharmacy.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Pentec Health – License Renewal – License # 64000300A:**

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

Barb Knightly, Executive V.P. and Lee Rosebush, R.Ph., J.D. appeared on behalf of Pentec Health.

Pentec Health entered into a settlement with the DOJ. The settlement did not have anything to do with patient safety.

In a settlement agreement with the DOJ early February 2019, Pentec agreed to pay the United States \$17 million dollars plus interest as they submitted duplicate claims.

The Kentucky Board of Pharmacy alleged that by executing the DOJ settlement agreement and the CIA, Pentec violated Kentucky law. Pentec entered into an agreed order to abide by the terms of the CIA for five (5) years.

The Alabama Board alleged that by executing the DOJ settlement agreement and the CIA, Pentec violated Alabama pharmacy law. Pentec entered into a consent order with Alabama and agreed to pay the stipulated costs of resolution.

Pentec has approximately three hundred and sixty-three (363) patients in Indiana.

They further informed the Board that their policies and procedures were changed in 2017 after the incident.

After discussion, the Board moved to APPROVE Pentec's LICENSE RENEWAL.

Anderson/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Triad Rx – License Renewal – License # 64001765A:**

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

Robert Jernigan, J.D. appeared on behalf of Triad Rx.

In 2016, Texas Board changed their regulation so that a PIC must be licensed in TX as well as the state in which the facility is located. Triad Rx was not aware of this and was issued a one-thousand dollar (\$1,000) fine.

In 2017, Alabama issued a three-thousand dollar (\$3,000) fine based upon action taken by Texas.

They hold licenses in forty-four (44) states. They currently have approximately thirty (30) patients in Indiana.

After discussion, the Board moved to APPROVE Triad Rx's LICENSE RENEWAL.

Smosna/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Enclara Pharmacia – Franciscan Hospice House – Remote Location Application:**

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

Brenda Schoenherr, Administrative Director Home Health & Hospice of the Franciscan VNS, John Loxterman, SVP, Chief Ethics & Compliance Officer and Dr. Nicholas Pirscu, Medical Director all appeared on behalf of this application.

They will be using Omnicell. The supplying pharmacy is in Pennsylvania. They have a consultant Pharmacist in Hospice and they will visit weekly.

Inventory refill – the Nurses from Hospice will submit an order form to the Pennsylvania Pharmacy and the drugs will be shipped to the Hospice center. The Board requested that the consultant pharmacist stock the machine when refills are needed.

After discussion, the Board moved to APPROVE the Remote Location Application.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

### **PROBATIONARY APPEARANCES**

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

The following made their probationary appearance:

Melanie Arvin  
Lucas Sweet  
Jennifer Coy  
Samuel Byrd  
Stacy Kaiser

Jennifer Coy – did not appear again.

After discussion, the Board moved to issue an Order to Show Cause in this matter.

Smosna/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

Nichole Nordeen – did not appear again. Ms. Nordeen is already scheduled for an Order to Show Cause in March or April.

The Board thanked Ms. Nunnally for her report.

### **PERSONAL APPEARANCES**

The following did not appear for their scheduled personal appearance:

- Ziad Fakhi – MPJE repeat exam app
- Tera Vaughn – Technician in Training online app - continued
- Autumn Stoit – Technician in Training online app – continued
- Carrie Armour – Technician in Training app
- Angel Aviles – Technician in Training app

#### **Mohamad Zalzala – MPJE Retake Exam App:**

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

After discussion, the Board moved to APPROVE Mr. Zalzala's MPJE retake exam application.

Smosna/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

#### **Shannon Wilson – Online Technician in Training App:**

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

Ms. Wilson received her second (2<sup>nd</sup>) DUI in 2017.

Ms. Wilson informed the Board that she no longer drinks. Her sobriety date is September 2019.

She is still seeing her counselor, but has not signed a contract with IPRP.

After discussion, the Board moved to TABLE Ms. Wilson's application until she signs a contract with IPRP. Upon signing the contract Ms. Wilson will need to appear again.

Anderson/Smosna, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis

The following board members voted nay: none

The following board members abstained: none

**Teresa Smith – Online Technician in Training App:**

Ms. Smith did not appear before the Board and was not represented by counsel regarding a positive response on her technician application.

This is Ms. Smith's second (2<sup>nd</sup>) time she has not appeared for a scheduled appearance.

After discussion, the Board moved to DENY Ms. Smith's application.

Wall/Smosna, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis

The following board members voted nay: none

The following board members abstained: none

**Chrystine Johnson – Online Technician in Training App:**

Ms. Johnson appeared in person and was not represented by counsel regarding a positive response on her technician in training application.

Ms. Johnson has had several run-ins with the law.

- May 29, 2009 – Visit a Common Nuisance – dismissed
- June 23, 2009 – Disorderly Conduct – Guilty – received 180 days in Jail
- September 4, 2008 – Criminal Conversion – Guilty – 40 days in Jail
- November 2008 – Minor Possession of Alcohol – Guilty – 60 days in Jail
- December 30, 2008 – Battery – Guilty – 1 year Probation – 365 days in jail all suspended but 60 days
- April 16, 2010 – Prostitution – Guilty – 365 days Jail suspended – 1 year unsupervised probation – probation revoked – 60 days in Jail
- October 12, 2010 – Operating a Vehicle Intoxicated – Guilty – 1 year probation – probation revoked – 60 days in Jail
- May 15, 2011 – False Informing – dismissed
- September 7, 2011 – Driving while Suspended prior with 10 years/False Informing/Unsafe Lane Change – False Informing, Guilty; others dropped. 30 days in Jail

Ms. Johnson informed the Board that at this time she still owes \$100 on her court costs/fines and that she is trying to improve her life.

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

Wall/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Tonya Atterson – Online Technician in Training App:**

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

She received a DUI in April 2010. She signed a contract with the Indiana State Nurses Association Program (ISNAP) for impaired nurses.

She violated her contract and ISNAP closed it out. She then appeared before the Nursing Board and they placed her LPN license on Indefinite Suspension in 2011. It currently is still on Indefinite Suspension.

She indicated she has been seeing an addictionologist for the past six (6) years.

After discussion, the Board moved to TABLE Ms. Atterson's application and requested she obtain a letter from her addictionologist and a copy of her Nursing Board Order suspending her license.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Lillian Goodman – Online Technician in Training App:**

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

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



In 2013 Ms. Goodman was charged with underage drinking/public intoxication.

In 2019 she was charged with leaving the scene of an accident which is still pending with the courts. She indicated that no alcohol was involved in this incident.

In August 2019 she was charged with public intoxication. She completed the Road program and twelve (12) hours of drug/alcohol classes through her diversion program.

After discussion, the Board moved to TABLE Ms. Goodman's application and requested she contact IPRP for an addictionology evaluation.

Wall/Smosna, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla,  
The following board members voted nay: none  
The following board members abstained: none

**Nolan Robinson – Intern Permit Renewal – License # 45019705A:**

Mr. Robinson appeared before the Board and was not represented by counsel regarding a positive response on his intern permit renewal application.

On September 27, 2019 Mr. Robinson submitted a renewal application for his intern permit that had a positive response.

His response was that he completed an inpatient alcohol detox at Beckett Springs Hospital in West Chester, Ohio from 9/18/19 to 9/25/19.

Staff requested he contact IPRP for an evaluation. In the meantime he took a leave of absence from Butler University College of Pharmacy and he requested to withdraw his intern permit renewal. The renewal was withdrawn.

January 7, 2020 he submitted a new renewal application and staff received an email from Bonnie Brown, PharmD, Associate Dean, Butler University College of Pharmacy that Mr. Robinson was back in the pharmacy program at Butler.

Staff requested that Mr. Robinson obtain an evaluation by IPRP which he did.

The evaluation by IPRP indicated he did not meet the criteria for substance use disorder at the time. However, IPRP made the following recommendations due to depression and PTSD:

- Individual Therapy

- Quarterly reports from Therapist
- Manage depression medication with Physician and take medication as directed from Physician
- Attend a self-help group meeting online or in person twice a month
- Vivitrol injection or oral Naltrexone

Based upon this information the Board moved to APPROVED Mr. Robinson's license renewal PENDING a SIGNED CONTRACT with IPRP.

Wall/Landis, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Alicia Minniear – Tech in Training App:**

Ms. Minniear did not appear in person and was not represented by counsel regarding a positive response on her technician in training application.

This is Ms. Minniear's second (2<sup>nd</sup>) time she has not shown for a scheduled appearance.

After discussion, the Board moved to DENY Ms. Minniear's technician in training application.

Anderson/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**ADMINISTRATIVE HEARINGS**

The following hearings were continued:

- **James Kirk, D.D.S., Cause No. 2019 IBP 0086**
- **Vytautas Damawsius, R.Ph., License No. 26022986A, Cause No. 2019 IBP 0080**

**Sarah Goruley, Ph.T., License No. 67029782A, Cause No. 2019 IBP 0079**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was

represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Winnie Landis informed the Board and Ms. Keaton that she works for CVS but does not know the respondent and does not work with her. The Board and Ms. Keaton was fine with Ms. Landis's participation.

December 19, 2019 the Respondent's license was placed on Summary Suspension by the Board.

Her court hearing is still pending at this time.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Terri Robbins, Ph.T., License No. 67026641A, Cause No. 2019 IBP 0078**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Ms. Robbins license was placed on Summary Suspension by the Board in December 2019.

On March 20, 2019 she was caught on surveillance camera placing multiple medications into her purse. Approximately 29,700 tablets were lost.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

The Board further moved to file a complaint on Phil's Healthmart Pharmacy where Ms. Robbins diverted the drugs from.

Landis/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Jonathan Chua, R.Ph., License No. 26028542A, Cause No. 2019 IBP 0072**

Respondent appeared in person and was represented by counsel, Mary Watts regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

In January 2020, Mr. Chua's court supervision was completed and dismissed.

His Illinois license is now active and in good standing.

He has completed all the terms of his probation successfully. He indicated he no longer drinks.

Respondent's Exhibit:  
A – Copy of Court documents

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to WITHDRAW the ORDER of PROBATION.

Smosna/Landis, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Bonnie Clark, APRN, License No. 71003710B, Cause No. 2019 IBP 0085**

Respondent appeared in person and was represented by counsel, David Schuler regarding a Renewal of CSR Order to Show Cause scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Ms. Clark's license in Kentucky was placed on Probation for two (2) years by agreed order. It was due to how the prescription was written, not on the appropriateness of the prescription.

She is monitored here in Indiana by her employer and they send the information to the Kentucky Board.

She completed the proper prescribing of prescription drugs course at Vanderbilt University.

Respondent's Exhibits:

- A – CV
- B – Stanford University certificate
- C – Five letters of recommendation
- D – Vanderbilt letter

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE Ms. Clark's CSR Renewal.

Wall/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**William Neumann, D.V.M., License No. 24005860B, Cause No. 2019 IBP 0084**

Respondent appeared in person and was not represented by counsel regarding a Renewal of CSR Order to Show Cause scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

May 13, 2019 the DEA initiated an investigation of Dr. Neumann's DEA. During the investigation they found the following violations; Dr. Neumann responded to each violation:

- Failure to take and maintain a biennial inventory of all controlled substances on hand.  
Response: At the time of inspection, one biennial inventory was unable to be located from a previous year. Since then, biennial inventory was completed on June 4, 2019. For future inventories, they are scheduled to be completed December and June of each year. The logs will be maintained in a locked office.

- Failure to maintain on official records the date of receipt.  
Response: At the time of inspection, some invoices did not have the date of receipt noted next to employee initials. He has updated the policy that controlled medication invoices are now reviewed by the inventory manager for both initials and the date. Those missing either item are being followed up on so this information can be accurately recorded on the invoice. Disciplinary action is set for those who did not record the appropriate information.
- Failure to record the correct number of commercial containers received on the DEA Form 222, official order forms.  
Response: At the time of inspection, this number was recorded as number on cardboard packages received, not number of bottles within the package. This has been corrected and inventory manager educated on how to complete these forms correctly in the future.
- Failure to maintain complete and accurate records for the receipt of dispensing of controlled substances, resulting in two (2) audited controlled substances not balancing.  
Response: At the time of inspection, logs had incorrect entries noting some medications were "added to stock" instead of "removed from stock" as well as incorrect quantity being added or removed from stock resulting in inventory log errors. Drug logs are now being audited twice per month. Disciplinary action is set for those who improperly record controlled medications.
- Failure to provide effective controls and procedures to guard against theft and diversion of controlled substances, resulting in an employee's diversion of over 3,000 dosage units of tramadol.  
Response: Controlled drug logs are now being audited twice per month by four (4) trained employees. A double check system has been instituted and if an error is found, a second individual must sign correction log entries. Regarding filling of prescriptions, the clinic's double check system of initials will now also be noted in the drug logs as well as an "A" if the medication was administered and a "D" if the medications were dispensed. Prescriptions filled at the clinic are now limited to seventy-two (72) hour supply.

States Exhibits:

1 – Copy of Veterinary Board Order

Respondents Exhibits:

A – Copy of dispensing policy

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE Dr. Neumann's CSR on INDEFINITE PROBATION which may not be lifted for six (6) months with terms and conditions.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Dion Dulay, M.D., License No. 01031016B, Cause No. 2019 IBP 0075**

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

A settlement agreement between the Respondent and the Attorney General's office was present to the Board for review. The settlement agreement included INDEFINITE PROBATION which may not be lifted for six (6) months with terms and conditions.

After reviewing the agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Smosna/Landis, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

The Board further moved to have staff file complaints on the Pharmacy(s) that filled the prescriptions.

Wall/Anderson, 4/1/0 with Ms. Landis Opposed  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: Winnie Landis  
The following board members abstained: none

**Brandi Hawkins, Ph.T., License No. 67032664A, Cause No. 2019 IBP 0074**

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter

was Margie Addington with Accurate Reporting Services.

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board for review. The settlement agreement included a LETTER of REPRIMAND with CE and a FINE of FIVE (\$500) dollars.

After reviewing the agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to TABLED the settlement agreement for correction of the fine amount.

Anderson/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Vincent Lombardi, M.D., License No. 01050269B, Cause No. 2019 IBP 0051**

Respondent appeared in person and was represented by counsel, Michael Gaerte regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

A proposed settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board for review. The settlement agreement included a LETTER OF REPRIMAND with terms and conditions.

After reviewing the agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Smosna/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**St. Simon Pharmacy, License No. 64002267A, Cause No. 2019 IBP 0077**

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.



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

Smosna/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Heather Williams, Ph.T., License No. 67031532A, Cause No. 2019 IBP 0038**

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing 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 Services.

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

Smosna/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Mohammad Arifee, Ph.T., License No. 67032250A, Cause No. 2020 IBP 00009**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

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

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Smosna/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Kara Korem, Ph.T., License No. 67019038A, Cause No. 2019 IBP 0050**

Respondent did not appear in person and was not represented by counsel regarding a Default Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

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

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

Ms. Korem admitted in a statement that she was suspended from her employer, Jewel Osco Pharmacy for taking medication off the shelf for her own personal use. She also indicated in the letter that she has been looking into classes for AA to deal with her alcoholism.

States Exhibits:

- A – Employment records
- B – Statement from Respondent

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REVOKE the Respondent's license.

Anderson/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

**Emily Sullivan, Ph.T., License No. 67032856A, Cause No. 2019 IBP 0034**

Respondent did not appear in person and was not represented by counsel regarding a Default Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Winnie Landis indicated she works for CVS but does not know the Respondent. The State was fine with Ms. Landis participating in the hearing.

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

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

When confronted by Asset Protection, Ms. Sullivan admitted to stealing drugs from CVS. She states she was taking Alprazolam 1mg, Alprazolam 2mg and Clonazepam 2mg. She admitted to stealing approximately eight-hundred (800) pills for her addiction and she and her boyfriend were selling some of the drugs.

States Exhibits:  
A1- Ms. Sullivan's statement  
B – Employment records

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved REVOKE the Respondent's license.

Smosna/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

## **DISCUSSION**

### **Zaneta Nunnally – Compliance Director – Report:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Ms. Nunnally reported the following:

- 95 Inspections were performed for the month of January
- 59 Pharmacies
- 10 Home Medical Equipment Facilities
- 26 Controlled Substance Registrations
- 24 Deficiencies were found
- 14 Consumer complaints filed
- 01 Pharmacy robberies for the month of January

The Board thanked Ms. Nunnally for her report.

### **INSPECT:**

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

On February 25 & 26 they will launch NARC's CARE. They will use the data to create a risk analysis. They are hoping to sign the contract with Apriss this week. It includes NARC's CARE for 1 year; prescription alerts; interface between the license database and AWARE data base.

A new compliance email will be going out in March. They will compare those with an active CSR to the INSPECT registration list. They will give the user a deadline date to register for INSPECT or a complaint will be filed with the Attorney General's Office.

After discussion, the Board moved to set the deadline date as March 31, 2020.

Wall/Landis, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Steve Anderson, Matt Balla, Winnie Landis  
The following board members voted nay: none  
The following board members abstained: none

The Board thanked Ms. Slusser for her report.

### **E-Prescribing:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Mr. Covington left information regarding the e-prescribing rules for the new Board Director. The effective date for e-prescribing is January 1, 2020. The Board needs to create a list of exceptions.

Once the draft rule is complete then it needs to go to the Medical licensing Board for their input.

ISMA is working with legislature to have exceptions built into the statute.

Donna Wall suggested that one exception be for patients that are transferred from one facility to another. She also indicated that we have a dedicated list of people that are given waivers and they need to renew the waiver every one (1) to two (2) years.

The Board decided they would wait and see what happens with legislature.

**Corporate Pharmacy Policies Regarding Limits on Opioid Prescriptions:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

The Board did not discuss this issue as Walmart has backed off from the limits.

**DEA Suspicious Orders Report System – FYI**

**Secured Paper Prescription Requirements:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Donna Wall supplied the Board with copies of IL, IA & MI's rules regarding paper prescriptions. Controlled substance prescriptions can be on a full sheet of paper.

The Board requested to start rules to update their requirements.

Donna Wall and Mark Smosna volunteered to be on the rule sub-committee.

**Intern Permit Hours for Aya Tiemat:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Ms. Tiemat's college's curriculum was accredited by the Canadian Council on

## Pharmacy Accreditation.

Their BS program was accredited from 2012 to 2018 and the Doctor of Pharmacy was accredited from 2014 to 2018. The international accreditation is from 2018 to 2023.

The Board stated that her hours needed to be completed during the time the program was accredited. Ms. Edens indicated she would review the information for the time period.

## **Report tables for worker's compensation prescription drug regulations: A National Inventory 2020: FYI**

### **Resolution on Delegation of Authority:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Nichole Schuster discussed this document with the Board. There were a few changes suggested. Ms. Schuster indicated she would make the changes and bring the document back in March for the Board to review. Once approved, it needs to be signed by all Board Members and posted on the Board's website.

### **Pharmacy Practice Safety:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Winnie indicated that APhA had a survey on their website where you can anonymously answer questions about your job. You can go in every so often and answer new questions. They are doing this in conjunction with Mayo Clinic.

### **Renewal Forms for Pharmacist & Technician renewals:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Ms. Edens shared copies of the current renewal forms with the Board. The Board did not make any changes to the questions.

### **James Kirk, D.D.S. – Request to withdraw CSR Application:**

Participating Members: Matt Balla, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Dr. Kirk recently applied for a controlled substance registration and is now requesting