

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

DRAFT Minutes of February 10, 2025

Steve Anderson, R.Ph., Board 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 for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present:

Steve Anderson, R.Ph., President
Matt Balla, R.Ph., Vice President
Mark Bunton, R.Ph., Member
Jason Jablonski, R.Ph., Member – Via Zoom
Andrew Meador, C.Ph.T., Member
Mark Smosna, R.Ph., Member
Kate Snedeker, Consumer Member

Members Absent

PLA Staff Present:

Kim Snyder, Board Director
Caitlin Cress, Assistant Board Director
Bradley Repass, Litigation Specialist

Advisory Counsel:

Leif Johnson, J.D.

Court Reporter:

Accurate Reporting – Lindy Meyer

The Board moved to adopt the agenda.

Smosna/Balla 7-0-0

Motion carries

The Board moved to approve the minutes from the January 13, 2025 Board meeting.

Balla/Bunton 7-0-0

Motion carries by role call

Public Hearing Adoption of Rule: Title 856 Pharmacy LSA Document #24-585

Discussed the two statutory requirements related to the proposed rule. All 34 boards and commissions require promulgating this rule. All boards need to be operating with parity.

Discussed the difference with the pharmacy board because BOP also licenses facilities. Board is more comfortable levying higher fines to facilities than to individuals. Intent is to not treat like

people differently. All fines and fees must be in statute. Discussed the public comment from IPA. Advisory Counsel reads this as a substantive comment which will require a second public comment period. Discussed that the board can not increase a fine greater than what's in statute. Discussed how to assess fines per violation.

The Board moved to schedule a Second Notice of Public Comment including IPA comments and exclude the Pharmacy Technician in Training renewal fee because this license does not renew.

Balla/Smosna 7-0-0

Motion carries by roll call

Administrative Hearings

Administrative Hearing(s) Continued:

The following hearing(s) were continued:

- Brian Matthew LaRowe, R.Ph., License No: 26022971A – Cause No. 202408-BOP-0019 – Administrative Complaint
- Charles N Ringger, R.Ph., License No: 26012961A – Cause No. 202501-BOP-0005 – Administrative Complaint
- Jessica Dowe, M.D., License No: 01052224E – Cause No. 202501-BOP-0002 – Administrative Complaint
- Sein Hnin Zee Grocery – Cause No. 202412-BOP-0039 – Cease and Desist

Megan S Utterback, Ph.T., License No: 67020545A - Cause No. 202412-BOP-0038

Administrative Complaint

DAG: Alex James

Respondent: Megan Utterback

Exhibit(s): None

Witness(es): None

Megan Utterback requested a continuance.

The Board granted Respondent's request for CONTINUANCE.

Smosna/Snedeker 7-0-0
Motion carries by roll call

Discussion

Monthly Reports

Board Director's Report – Presented by Kim Snyder

INSPECT Director's Report – Presented by Logan Winslow.

- Discussed the issue concerning SureScripts and the current one known point of contact.
- Board directed that the current known point of contact be invited to attend the next meeting.

- Discussed the increase of pharmacy robberies and fraudulent prescriptions.

Compliance Director Report – Presented by Zaneta Nunnally

- Conducted 98 inspections
- 35 violations
- 3 consumer complaints filed
- 2 pharmacy burglaries; both were closed door facilities
 - In conjunction with INSPECT, alert sent
 - Reminder to report any loss within 24 hours
- Completing survey that was discussed last month for use after an inspection
- Discussed IC 35-48-3-5 (4) Denial, revocation, and suspension of registration; reinstatement.
 - Include spot medication counts during inspections and report to the board monthly
 - Sharing DEA 106s with the board
 - Information may need to be redacted
 - Review the IC regarding the “opportunity to correct”
 - Discussion about reasons for pharmacy closures
 - Is there a way to capture this data?
 - Track Active Pharmacy Licenses rolling YTD by month

OAG Report - Presented by DAG, Alex James

Old Business

Reminded about the staff well being link and adding this link to the recorded meetings.

- A. IPA Legislative Updates – Darren Covington
- B. EDI – Surescripts

New Business

- A. IC 35-48-3-5 (4) Denial, revocation, and suspension of registration; reinstatement.
 - Discussed the requirement of an Order To Show Cause before the board could take action.
 - The board can issue an Order To Show Cause and without a consumer complaint.
 - Facility Loss and Prevention departments do not always timely take action and this may allow for the board to get in front of this type of issue sooner.
 - There are circumstances where you can go straight to suspension.
 - Could issue an OTSC and file a consumer complaint.
 - Can take action when DEA 106 Forms are sent and file an OTSC.
 - DEA 106 Forms go straight to Zaneta for processing.
 - Verify whether DEA 106 Forms can be shared and reviewed by the board.
- B. NABP – MPJE Item Development Workshop
 - a. Motion to appoint Matt Balla to attend. Anderson/Smosna 7-0-0 by roll call

- C. NCDQS Request for Third-Party Inspection and Accreditation Approval Presentation
 - a. David Dreibelbis, Director of Operations and Michelle Woosley, Executive Director appeared virtually.
 - b. According to NCDQS, function as a secondary accreditation body equivalent to NAPB DDA.
 - c. Tabled until a change in administrative rule and statute.
- D. Lifespan Pharmacy
 - a. Seeking board approval allowing Pharmacy Technicians to use bar code technology for final product verification.
 - b. Pharmacy Technicians are prohibited from final verification according to IC 25-26-19-8.

Full Board Appearances

LifeScience Logistics, LLC – Third Party Logistics Provider Application – Provisional License Request

Paul Hayward appeared virtually before the Board regarding their request for a third-party logistics provider provisional license. Located in Clayton, Indiana. Have three other facilities in the Indianapolis area. Commercial 3PL supporting storage of manufacturing supplies and components. Distribute pharmaceutical drugs for medical devices. Will not store controlled substances at this facility. Some medication requires refrigeration and has a refrigerator unit on site. Applied for and submitted inspection report 12/17/2024. Previously held a WDD for that facility.

After discussion, the Board moved to APPROVE the request for a PROVISIONAL one-year license.

Bunton/Smosna 7-0-0
Motion carries by roll call

Genoa Healthcare LLC-Regional Health Systems – CSR-Remote Location Application – 1st Machine for Location

Frank Gordon appeared virtually before the Board regarding their CSR-Remote Location application. Closed door pharmacy within a community behavioral health system. The pharmacy, itself is in the physician office. The automated dispensing machine will be located in the in-patient setting. Asked about all final pharmacist reviews within 24 business hours and daily reconciliation. This is an after hours or emergency cabinet. Asked about limiting the override list (i.e. vitamins). Pharmacy operation hours M-F 8:30a – 5p; closed weekends. Board uncomfortable with overrides over an entire weekend. Requested a list of truly emergent drugs that will be in the unit. Approval will be contingent upon BOP inspection.

After discussion, the Board moved to APPROVE the application.

Smosna/Balla 7-0-0
Motion carries by roll call

Taylors Pharmacy LLC – Non-Resident Pharmacy Application

Michael Johnson appeared virtually before the Board regarding their non-resident pharmacy application. Facility located in Florida. Includes all compounded products, primarily veterinary products. Licensed as a 503a facility. Does have anesthesia products for zoos. Amount is determined by the number of animals for which the product is needed (i.e. a herd). Question about DEA disciplinary action. Nothing is currently pending. DEA action occurred in 2016 at another facility that is now closed and settled in 2018. Currently licensed in 37 states. Many states filed "sister" state actions. Does some human drug compounding and none going to Indiana. Category 3 compounding and phasing back to category 2 compounding. Difficult to do category 3 compounding due to the humidity in Florida.

After discussion, the Board moved to APPROVE the non-resident pharmacy application.

Smosna/Jablonski 7-0-0
Motion carries by roll call

Cody Drug – Non-Resident Pharmacy Application

Failure to appear.

Randy Martins Health and Wellness LLC dba Heartland Apothecary – Non-Resident Pharmacy Application

Failure to appear.

Personal Appearances

Rehman Mustafa – Pharmacist Application – 3rd Attempt at MPJE:

Rehman Mustafa appeared before the Board and discussed his studying habits with the Board. Initially studied independently. Studied with a partner the second time which helped. Recommended Purdue pharmacy review or other local university law reviews as well as IPA to access additional material.

After discussion, the Board moved to APPROVE applicant's repeat exam application.

Smosna/Snedeker 7-0-0
Motion carries by roll call

Taylor James Shafer – Pharmacist Application – 3rd Attempt at MPJE:

Taylor Shafer appeared virtually before the Board and discussed his studying habits with the Board. Used pharmlaw.org for first examination attempt. Used the Purdue guide for the second examination attempt. Currently have further diversified and working as a pharmacy intern and accessing more information.

After discussion, the Board moved to APPROVE applicant's repeat exam application.

Smosna/Balla 7-0-0
Motion carries by roll call

Amanda Sue Moore - Pharmacist Application – 3rd Attempt at NAPLEX:

Amanda Moore appeared before the Board and discussed her studying habits with the Board. First NAPLEX was scheduled too soon including inadequate preparation. Does experience test anxiety. Currently using practice exams and test preparation guides provided by Manchester. Passed MPJE.

After discussion, the Board moved to APPROVE applicant's repeat exam application.

Balla/Bunton 7-0-0
Motion carries by roll call

Megan McGill, R.Ph. – 26020040A – Pharmacist Reinstatement Application – Positive Response:

Megan McGill appeared virtually before the Board regarding a positive response on a pharmacist reinstatement. Has not practiced since 2017. Became addicted to opiates and diverted drugs from the pharmacy where she worked at the time. Was arrested in 2017, completed treatment and a pre-trial diversion program. After opiate addiction, struggled with alcohol. 7/21/2023 sobriety date. Lives in Arizona and applied for licensure there, too. Elderly parents live in Indiana and would like to practice in Indiana. Involved in Arizona's treatment and addiction program. Meets with the Arizona board Wednesday. License is not granted. If moved to Indiana, would participate in the Indiana IPRP. If granted reinstatement would have to take the MPJE. Tomorrow, her NABP application expires regarding her authorization to test. Applicant did submit her passing NAPLEX examination score from 2024 and hoped that would count for the CE requirement.

After discussion, the Board moved to TABLE applicant's pharmacist reinstatement.

Bunton/Balla 7-0-0
Motion carries by roll call

Tiffany Marie Driskill, Ph.T. – 67026570A – Technician Renewal – Positive Response:

Tiffany Driskill appeared virtually before the Board regarding a positive response on a technician renewal. OWI occurred after license expired June 2024. Participating in a diversion program. Currently have a charge with no conviction. This was applicant's only arrest. Will have to disclose on the next renewal.

After discussion, the Board moved to APPROVE applicant's technician renewal.

Smosna/Snedeker 7-0-0
Motion carries by roll call

Alexis Robinson – Technician/Tech in Training Application – Positive Response:

Alexis Robinson appeared before the Board regarding a positive response on a technician application. DUI in June 2024. Was on probation for 48 days and completed an alcohol awareness class. On 2/7/24 probation was extended an additional 180. There were no positive responses disclosed on the application. Does not currently have a driver's license. Currently working at CVS. Mark disclosed that he works for CVS but could be fair and impartial.

After discussion, the Board moved to TABLE applicant's Technician application until next month pending completion of current criminal matter.

Meador/Balla 7-0-0
Motion carries by roll call

Corrie Joseph Covelli – Technician/Tech in Training Application – Positive Response:

Failure to appear. Will not reschedule until he contacts the board.

Kayla Naja Douglas – Technician/Tech in Training Application – Positive Response:
Failure to appear.

Raven Thomas – Technician/Tech in Training Application – Positive Response:
Raven Thomas appeared virtually before the Board regarding a positive response on a technician application. Battery, possession of marijuana and driving while suspended (check recording) charges. Last time she had charges was in 2019. Everything has been dismissed except the possession of marijuana.

After discussion, the Board moved to APPROVE applicant's Technician application.

Jablonski/Balla 7-0-0
Motion carries by roll call

Aramlentz Bdouby Georges – Technician/Tech in Training Application – Positive Response:

Aramlentz Georges appeared before the Board regarding a positive response on a technician application. Charged with reckless driving in 2023. Paid all fines. Has a court date this Wednesday. Did not answer positively on application. The board does not have jurisdiction to fine the applicant.

After discussion, the Board moved to APPROVE applicant's Technician application.

Bunton/Smosna 7-0-0
Motion carries by roll call.

There being no further business the Board ADJOURNED at 2:00p.