

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

Minutes of February 13, 2023

Jason Jablonski, R.Ph., Vice 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:

Jason Jablonski, R.Ph., Vice President
Mark Smosna, R.Ph., Member
Winnie Landis, R.Ph., Member
Steve Anderson, R.Ph., Member

Members Absent:

Mark Bunton, R.Ph., President
Matt Balla, R.Ph., Member

PLA Staff Present:

Alyssa Servies, MPH, JD
Christine Cowdin

Advisory Counsel:

Leif Johnson, J.D.

The Board voted to amend the agenda and adopt the amended agenda.

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Full Board Appearances

UNIDOSES – Automated vendor presentation:

Company CEO and the designer appeared on UNIDOSES behalf.

Asking to have machine added to approved list. Currently only approved in Arkansas, machine has been on the market for seven (7) years, Indiana would be second state to grant approval. They are approaching state boards based on where their clients are located, LifeSpan pharmacy is the prospective client in Indiana.

After discussion, Board approves UNIDOSE machine(s)/product(s).

Smosna/Landis, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

FSSA and MPH – iNSPECT user data discussion:

Leslie Lugo, Pharmacy Director at OMPP, Craig Nielsen, and Timothy McFarlane appeared on behalf of this matter.

TABLED to March meeting.

Covanta - 48002508A – WDD provisional license renewal:

Scott Willard appeared on behalf of this matter. Requesting extension of provisional license, NABP inspection has been delayed. Consumer generated take-back envelopes are the only products at this address.

After discussion, board votes to RENEW license for an additional year.

Anderson/Smosna, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none
The following board members abstained: none

Genoa Healthcare – Aaron Knapp, RPh – Discussion

Susan D. and Aaron Knapp appeared on behalf of this matter. They are requesting to expand CMC services in Indiana. Agent of the pharmacy is doing ultimate delivery to the patient. CMC is an employee of Genoa not the clinic.

After discussion, it was determined that scope of CMC is outside the jurisdiction of the Board.

Darren Covington, IPA – Legislative update:

SB 152 – reimbursement for pharmacists

HB 1568 – contraceptive prescribing (expecting several amendments)

SB 318, HB 1445 – Medicaid prescription drug benefit

HB 1182 – advanced PhT scope of practice (receipt of verbal order and tech, check, tech)

HB 1182 – pharmacists to test and treat

SB 8 – pass thru rebate (PBM must push through 100% of rebates)

HB 1017 – repository bill (going on to the senate health committee)

Personal Appearances

The following hearing(s) were cancelled:

- **Jessica Garcia – Pharmacy Technician Renewal - PR**

Gohar Qadeer, R.Ph. - MPJE Repeat Exam App:

Gohar Qadeer appeared before the Board and discussed his/her studying habits with the Board. Graduated from Manchester University, working in Ohio, licensed in Ohio. Is going to do Purdue course.

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

Smosna/Anderson, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Denisha Golston, R.Ph. - NAPLEX Repeat Exam App:

Denisha Golston appeared before the Board and discussed his/her studying habits with the Board. Graduated from Belmont University, works as an intern at Walgreens. Working with tutors at this time.

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

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Mohammad Shakhwar, R.Ph. - NAPLEX Repeat Exam App:

Mohammad Shakhwar appeared before the Board and discussed his/her studying habits with the Board. Graduated from Chicago State University, works as an intern at CVS. Focusing more on timing. Has not yet taken MPJE.

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

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson

The following board members objected: none
The following board members abstained: none

Melissa Joy Basden, R.Ph. - MPJE Repeat Exam App:

Melissa Joy Basden appeared before the Board and discussed his/her studying habits with the Board. Licensed in Georgia reciprocity application, CVS manager.

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

Landis/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Mohamed Dackroy, R.Ph. - MPJE Repeat Exam App:

Mohamed Dackroy appeared before the Board and discussed his/her studying habits with the Board. Foreign graduate, went to school in Egypt, works at Kroger.

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

Anderson/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Kalai (Audrey) Wong, R.Ph. - MPJE Repeat Exam App:

Ms. Wong appeared before the Board and discussed his/her studying habits with the Board. Graduated University of North Carolina.

Let the record reflect that Jason Jablonski explained that they are both employed at the same employer but feels he can be fair and impartial in this matter. All parties were fine with Mr. Jablonski participating.

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

Smosna/Jablonski, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Kally Grice, Tech/Tech in Training Initial App – Positive Response:

Kally Grice appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. Applicant explained shoplifting charge in Georgia was not prosecuted. Currently working at Reid Hospital.

After discussion, Board APPROVES application.

Landis/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Saba Khan, Tech/Tech in Training Initial App – Positive Response:

Saba Khan appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. Discussed two OWIs in 2016 and 2019. Sobriety date 12.31.2019. Probation completed.

Landis/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Laura Lopez, Tech/Tech in Training Initial App – Positive Response:

Laura Lopez appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.
Discussed tow prior OWIs 2015 and 2022, 2022 case still open. Attorney trying to get charges dropped, no way to definitely know what BAC was.

After discussion, Board TABLED application for an addictionology report.

Landis/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Tajanee Griffin, Tech/Tech in Training Initial Application – Positive Response:

Tajanee Griffin appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.
Two OWIs, one is open now, March 7th they are set for a plea hearing.

After discussion, Board TABLED application for an addictionology report (part of plea agreement),k provide evaluation to PLA..

Landis/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Kimberly Peterson, Tech/Tech in Training Initial App – Positive Response:

Kimberly Peterson appeared in person and was not represented by counsel regarding a

positive response on a pharmacy technician/tech in training application. DUI 2008 – RN license was suspended in 2010. Has worked at CVS for about a year as a cashier. Actively seeking mental health treatment and has been a stay-at-home mom for the past few years. Employer is aware of her background.

After discussion, Boards votes to TABLE application for fitness for duty evaluation.

Anderson/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Natalie McCall, Tech/Tech in Training Initial App – Positive Response:

Natalie McCall appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. Currently working part time for Walmart at the pharmacy. Works full time as a sergeant jail officer in Parke County. Under a plea agreement and criminal probation for one year.

After discussion, board votes to APPROVE license ON PROBATION with terms and conditions.

Anderson/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Tom Gardner, Tech/Tech in Training Initial App – Positive Response:

Tom Gardner appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. Criminal history: 2002 theft and 1989 robbery. Currently working for Omnicare as a driver.

After discussion, board votes to APPROVE application.

Anderson/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Kasandra Frazier, 67021584A – Reinstatement – Positive Response:

Kasandra Frazier appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. Discussed OWI from December 2021. Will be off probation in ten (10) days, does not drink anymore. Hired at CVS cannot be put on shift until license reinstated.

After discussion, board votes to APPROVE reinstatement.

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

David Hauge, 26017176A – Reinstatement – Positive Response:

David Hauge appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. Previously appeared in 2017, told he clear license in Michigan. Michigan license is now free and clear, wants to practice in Indiana. No possibility to reinstate Illinois license.

Motion was made to DENY reinstatement.

Anderson/Smosna 2-2-0
Motion fails

The following board members voted aye:
Mark Smosna
and Steve Anderson
The following board members objected:
Jason Jablonski,
and Winnie Landis
The following board members abstained: none

Motion was made to TABLE reinstatement to March meeting.

Landis/Smosna, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Terri Tucker, Tech/Tech in Training Initial - App Positive Response and Nathan Phillips, RPh, - Working without a License:

Terri Tucker (applicant), Jeff Scott, RPh (Kroger), and Matt Schappa (Kroger attorney) appeared in person regarding a positive response on a pharmacy technician/tech in training application and an affidavit that showed applicant was working without a permit/license.

Applicant has had two (2) OWIs 2011, 2022 case still open, criminal probation until 2024.

After discussion, board votes to APPROVE application ON PROBATION with terms and conditions.

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

In discussion of the affidavit showing applicant was working without a permit/license, Kroger stated that there was a gap in communication between leadership team during change in location. This is a central fill pharmacy. Went back through our process so this does not happen again.

After discussion, board votes to REFER facility to the Office of the Attorney General through a consumer complaint.

Smosna/Anderson, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson

The following board members objected: none
The following board members abstained: none

Nakharra Gaines and Nathan Phillips, RPh, - Technician/Tech in Training App Working without a License:

Nakharra Gaines (applicant), Jeff Scott, RPh (Kroger), and Matt Schappa (Kroger attorney) appeared in person regarding an affidavit of completion that showed applicant was working without a permit/license.

After discussion, board votes to REFER facility to the Office of the Attorney General through a consumer complaint.

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Jennah Worthington and Cynthia Barker, RPh, - Expired Tech in Training License - Working without a Permit/License:

Jennah Worthington and Cynthia Barker appeared in person regarding an affidavit of completion that showed applicant was working without a permit/license.

After discussion, board votes to REFER facility to the Office of the Attorney General through a consumer complaint.

Smosna/Anderson, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Shannon Taylor and Brad Hester, RPh, - Tech in Training License - Working without a Permit/License:

Shannon Taylor and Brad Hester appeared in person regarding an affidavit of completion that showed applicant was working without a permit/license.

After discussion, board votes to APPROVE issuance of license and REFER facility to the Office of the Attorney General through a consumer complaint.

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

Kristen Ann Czaban, RPh., License No. 26019218A, Cause No. 2021 IBP 0043

Kristen Ann Czaban did not appear, but was represented by counsel, Shelley Jackson, regarding a Proposed Settlement Agreement 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.

Witness(es): None

Exhibit(s): None

A settlement agreement between the Respondent, their counsel, and the Attorney General's Office was presented to the Board. The settlement agreement included stipulated facts and INDEFINITE PROBATION 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.

Anderson/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Tammy Jo Bradford, RN, APRN, License No. 70000195B, Cause No. 2023 IBP 0002

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

Witness(es): Bret Busby, PLA Lead Compliance Investigator
Natalie Christy, OAG Investigator

Exhibit(s): State's Exhibit A – Consumer Complaint
State's Exhibit B – Supplemental Report to Consumer Complaint
State's Exhibit C – Recording of Phone Call with Respondent
State's Exhibit D – INSPECT Analysis
State's Exhibit E – Affidavit of Michael Nagy
State's Exhibit F – Affidavit of Terry Parrish

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and order in the matter the Board moved to place the Respondent's CSR license on SUMMARY SUSPENSION for ninety (90) days.

Smosna/Anderson, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson

The following board members objected: none
The following board members abstained: none

Walgreens #07788., License No. 600005829A/B, Cause No. 2023 IBP 0003

Respondent did not appear and was represented by counsel, Roxanne Hilton, 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.

Witness(es): None

Exhibit(s): None

State motions to Vacate summary suspension petition – over the weekend they have mitigated and provided photographs, documentation of work being done on roof. State believes mitigating circumstances have been resolved clear and immediate danger no longer exists.

Board votes to VACATE hearing.

Smosna/Anderson, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

Natasha Renee Perkins, License No. 67029299A, Cause No. 2021 IBP 0040

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

Witness(es): None

Exhibit(s): None

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/Anderson, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

The following board members abstained: none

Kenneth Andrew Riddle, RPh, License No. 26026715A, Cause No. 2022 IBP 0061

Kenneth Andrew Riddle did not appear in person and was not represented by regarding a Voluntary Summary Suspension Agreement 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

Witness(es): None

Exhibit(s): None

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

Smosna/Landis, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

The following board members abstained: none

Marina Leanne Blackwell, License No. 67035149A, Cause No. 2021 IBP 0022

Marina Blackwell appeared in person and was not represented by counsel regarding a request to Withdrawal Probation scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Witness(es): Marina Blackwell, Zaneta Nunnally

Exhibit(s): None

After having considered the evidence presented, testimony of the witness, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to WITHDRAW the Order of Probation on the Respondent's license.

Smosna/Landis, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

Mary M Nelson, R.Ph, License No. 26017550A Cause No. 2018 IBP 0064

Mary M Nelson did not appear and was not represented by counsel regarding Notice of Proposed Default scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Witness(es): None

Exhibit(s): None

The Board voted to VACATE the hearing and FILE A CONSUMER COMPLAINT with the OAG.

Landis/Smosna, 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

Nicole Dillard, License No. 67021337A, Cause No. 2022 IBP 0049

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension Renewal and an Administrative Complaint scheduled before the Board. The State of Indiana was represented in this matter by Carah Rochester, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Exhibit(s): None

Witness(es): None

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

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

After having considered the evidence presented, testimony of the witness 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/Landis, 4-0-0
Motion carries

The following board members voted aye:

Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

Ethel Bubu, RPh, License No. 26020680A, Cause No. 2022 IBP 0050

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

Witness(es): Brittany Snow, OAG Investigator

Exhibit(s): Exhibit A – Consumer Complaint

Exhibit B – Certified Federal Complaint
Exhibit C – Certified Federal Docket
Exhibit D – Certified Judgment
Exhibit E – Notice Letter from the Texas Board of Pharmacy
Exhibit F – Agreed Order with the Texas Board of Pharmacy

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

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

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

Smosna/Landis, 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Jason Jablonski,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

DISCUSSION

Board Director's Report – Presented by Alyssa Servies and Tracy Traut, IPRP Program Director provided the year end IPRP report.

OAG Report - Presented by DAG, Ryan Eldridge

INSPECT Report – Presented by Kara Slusser

Compliance Director Report – Director Zaneta Nunnally and Compliance Officer Tim Thomas

New Business

- Emergency Rule on Zipeprol
Motion was made and seconded to adopt the emergency rule
Anderson/Smosna 4-0-0
- Use of CSR Funds for NABP Annual Meeting
Motion was made and seconded to approve the use of CSR funds for the NABP
Annual Meeting
Smosna/Anderson 4-0-0

There being no further business the Board ADJOURNED at 3:30p.m.