

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

**MINUTES OF MARCH 12, 2018**

Winnie Landis, R.Ph., Vice President, called the meeting to order at 9:03 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: Donna Wall, R.Ph., Member  
Winnie Landis, R.Ph., President  
Del Fanning, R.Ph., Member (left 5:45p.m.)  
Mark Smosna, R.Ph., Vice President  
John Wilson, J.D., Member

Members Absent: Steve Anderson, R.Ph., Member  
Matt Balla, R.Ph., Member

Staff Present: Darren Covington, J.D., Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
Zaneta Nunnally, Compliance Director  
Professional Licensing Agency  
Gordon White, J.D., Deputy Attorney General  
Office of the Attorney General  
Nicole Schuster, J.D., Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Wall/Smosna, 5/0/0  
Motion carried

The following board members voted aye:  
Del Fanning, Mark Smosna, John Wilson, Winnie Landis, Donna Wall  
The following board members voted nay: none  
The following board members abstained: none

The Board voted to adopt the February 12, 2018 minutes and the February 12, 2018 Executive Session minutes.

Wall/Smosna, 5/0/0

Motion carries

The following board members voted aye:

Del Fanning, Mark Smosna, John Wilson, Winnie Landis, Donna Wall

The following board members voted nay: none

The following board members abstained: Steve Anderson

### **FULL BOARD APPEARANCES**

#### **Remote dispensing consideration – ScriptCenter Locker System – Dawn Moore R.Ph., VP of Pharmacy, IU Health:**

Let the record reflect that Donna Wall did not participate in this matter, she reviewed application files.

The following appeared to discuss the ScriptCenter Locker System:

- Laura Lord, R.Ph., Julie Thornton R.Ph., Cindy Miller R.Ph., Edward Rickert, J.D. and Dawn Moore, R.Ph., VP of Pharmacy, IU Health.

They are looking at placing these in Methodist and Riley Hospitals

The potential positive impact:

- Increase ease of prescription pick-up
  - Increase adherence rates
  - Improve employee satisfaction
  - Increased access for difficult to find medications for discharge patients
- Free up time for pharmacy staff for:
  - Counseling patients
  - Developing patient/pharmacist relationships
  - Improve safety

Statement of explanation:

- At their retail locations, ScriptCenter will be primarily implemented for:
  - Employee pickup
  - Discharge patient pickup
- Implementation of ScriptCenter will:
  - Allow prescription pick up 24/7
  - Reduce pharmacy lines and wait times for employees and clinic or discharge patients waiting to go home.

- Leads to improving access: Patients discharged with difficult to find medications will have access afterhours, potentially reducing readmission rates
- How ScriptCenter works:
  - Prescriptions are received, filled, labeled and verified in the pharmacy according to applicable law using their current prescription filling policy and workflow process
  - Once verified by a pharmacist medications are linked to a barcoded container and securely transported and loaded into ScriptCenter
  - The patient receives a notification that their prescriptions are ready. The patient is also notified if any counseling is required.
  - Patient logs into ScriptCenter using two (2) unique identifiers to pick up and pay for their prescriptions. Counseling is offered and prescriptions are released once the patient has received counseling.
- Security Features:
  - Kiosk:
    - Weighs 1,300 lbs and requires identification for pharmacy personnel to access
    - Monitored by on-site hospital security personnel 24/7
    - External security cameras monitoring the location 24/7
  - Anti-diversion controls & procedures:
    - Electronic monitoring – ScriptCenter uses a variety of reports to ensure 100% prescription tracking.
    - Photo and signature captured for every prescription pick up.

The Board thanked them for the presentation.

### PROBATIONARY APPEARANCES

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph., Mark Smosna, R.Ph., John Wilson, J.D.

The following made their probationary appearance:

Estil Caton  
 Kristina Luers  
 Nicholas Scarpino  
 Sara Lunsford  
 Jason Bagley  
 CVS #6663  
 Costco

Ms. Nunnally indicated that Sara Lunsford did not show for her scheduled appearance and this is her second no-show in two (2) months.

After discussion, the Board moved to issue an ORDER TO SHOW CAUSE for Ms. Lunsford.

Wall/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

### **PERSONAL APPEARANCES**

The following did not appear for their scheduled personal appearances and will be rescheduled:

- Stephen Vogt – Tech in Training – Positive Response
- Joyce Myers – Tech in Training – Positive Response
- Elaine Washington – Tech in Training – Positive Response

#### **Juanta Walker – Tech in Training App:**

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

In 2013, Ms. Walker pled guilty to a Misdemeanor Theft charge, she indicated she stole some food from the store.

In 2016, Ms. Walker again pled guilty to a Felony Theft charge, she again indicated she stole some food from the store. She entered into a diversion program and once it was completed this charge was reduced to a Misdemeanor.

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

Fanning/Wilson, 5/0/0

Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Sha-Rina Brown – Technician in Training:**

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

Ms. Brown indicated she has been employed with Macy's for the past seven (7) years.

Her last arrest was in 2000, when she was arrested for stealing clothing items.

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

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Kahri Jackson, Technician in Training:**

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

Ms. Jackson admitted she has alcohol issues.

She was arrested for two (2) separate DUI's in 2015. In 2016 she was arrested for three (3) Public Intoxication charges and another DUI.

She is active in AA and goes at least three (3) times a week to meetings. She also participates in Stepping-Stones in Evansville, Indiana.

Her sobriety date is March 7, 2017 as she had two (2) relapses in 2016.

After discussion, the Board moved to TABLE Ms. Jackson's application for her to obtain an addictionology evaluation and a letter from her supervisor.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Lawrence Ejiofo, Pharmacist Repeat Exam App – NAPLEX:**

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

After discussion, the Board moved to APPROVE Mr. Ejiofo's request to retake the NAPLEX.

Fanning/Wilson, 5/0/0

Motion carried

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Lucy Nguyen, Pharmacist Repeat Exam App – MPJE:**

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

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

Smosna/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Ryan Griffin, Pharmacist App:**

Mr. Griffin appeared before the Board regarding a positive response on his pharmacist application and was not represented by counsel.

He was licensed in Ohio as a Pharmacist.

Due to an addiction that started back in school, he was taking controlled substances without a prescription. His Ohio intern permit was placed on suspension. He eventually received the intern permit back and went on to obtain his Pharmacist license.

After he was licensed as a Pharmacist he had a relapse and his pharmacist license was suspended. After a period of suspension, he got his Pharmacist license back, but relapsed again shortly after he got his license back.

In an agreement with the Ohio Board, he agreed to voluntarily permanent surrender his pharmacist license. He indicated he can never get it back.

He is currently in a PRN contract that he recently signed. His sobriety date is January 11, 2017.

He works the twelve (12) step meetings and goes to NA meetings three (3) to four (4) times per week.

After discussion, the Board moved to TABLE Mr. Griffin's application until January 2019 for him to obtain a new addictionology evaluation and a report from his physician indicating whether Mr. Griffin should be around controlled substances.

Fanning/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Alyna Nguyen – Technician in Training App:**

Ms. Nguyen appeared before the Board regarding her request to surrender her technician in training permit. The Board issued her technician in Training permit on Indefinite Probation. She stated that because it took so long to obtain the permit she lost the technician in training job and is no longer interested in pursuing this type of employment.

She requested that the Board allow her to surrender the technician in training permit.

After discussion, the Board moved to APPROVE Ms. Nguyen's request to SURRENDER her Technician in Training Permit.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Central Drugs – 6400970A Non Resident Renewal:**

A representative appeared before the Board regarding a positive response on the facilities license renewal and was not represented by counsel.

Manisha Patel, R.Ph., appeared on behalf of Central Drugs.

Ms. Patel stated that she began as PIC for this facility on May 15, 2015. The previous PIC allowed an unlicensed technician to work in the pharmacy. The technician had passed the PTCB and they thought that was all that was needed.

FDA visited the facility. They found that they were only checking 60% Endotoxins seriality testing and it needed to be 100% checked. The facility is now making sure 100% is checked.

They have not (did not) receive any complaints from any States. They send about 1,500 per year in to Indiana.

After discussion, the Board moved to APPROVE Central Drugs' Non Resident license renewal and the Board requested they notify us of the outcome in California.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Major Hospital Pharmacy – 600000096A Pharmacy Renewal:**

A representative appeared before the Board regarding a positive response on the facilities license renewal and was represented by counsel, Brian Betner, J.D.

Kelly Connolly, R.Ph., P.I.C. and John (Jack) Horner, CEO both appeared on behalf of Major Hospital Pharmacy.

The diversion happened prior to the Hospital moving into their new facility. The new facility with upgraded security features in the pharmacy, including multiple cameras and the Pyxis C-II Safe.

The response/action plan was/is:

- Pharmacist only access to narcotic room (badge access) and C-II Safe (BioID)
- Installation of multiple cameras in the narcotic room and medication rooms
- Implementation of Pyxis C-II Safe
- Implementation of additional Pyxis Med-Stations throughout the facility



- All controlled substances, C-II through C-V, are stored in the Pyxis C-II Safe, with the exception of phenobarbital
- Blind count used for inventory of controlled substances
- Daily audits of Pyxis override list and Pyxis vs C-II Safe compare reports
- Reports of discrepancies involving controlled substances immediately addressed.
- Random audits on controlled substance usage routinely performed by pharmacy and nursing
- Education for nursing and pharmacy staff during credentialing, unit meetings, and Net Learning.

After discussion, the Board moved to APPROVE Major Hospital Pharmacy's license renewal.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Complete Pharmacy & Medical Solutions – 64001337A Non Resident Renewal:**

A representative appeared before the Board regarding a positive response on the facilities license renewal and was represented by counsel, Javier Guerra, J.D.

Craig Gaiser, R.Ph., P.I.C. appeared on behalf of Complete Pharmacy & Medical Solutions.

Mr. Gaiser reported that the facility became a 503B and they were focusing on DEA. By doing so they let the licensure applications and renewals that were needed in states get out of hand. He had hired a full time person to keep track of and deal with renewing and obtaining licenses. They currently ship to thirty (30) states.

There were 445 sterile units shipped into Indiana in 2017.

Their Florida, Oregon and Texas license have all been disciplined as well as their Alabama license was placed on probation status.

After discussion, the Board moved to APPROVE Complete Pharmacy & Medical Solutions' license renewal.

Wall/Fanning, 5/0/0  
Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Paradigm Healthcare Solutions d/b/a Athena Pharmacy – 64001782A Non Resident Renewal:**

A representative appeared before the Board regarding a positive response on the facilities license renewal and was represented by counsel, Fibbens Koranteng, J.D.

The facility received discipline in Texas, they were granted licensure with a reprimand attached due to a criminal record.

They were disciplined in the following states: Hawaii, Alabama, Florida and Colorado.

The following states are still pending at this time: Illinois and Michigan

After discussion, the Board moved to APPROVE Paradigm Healthcare Solutions d/b/a Athena Pharmacy's license renewal.

Smosna/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Hartley Medical Center – 64001047A Non Resident Renewal:**

A representative appeared before the Board regarding a positive response on the facilities license renewal and was represented by counsel, John Kendzior, J.D.

They have had four (4) states give minor discipline for not notifying them of sister state discipline in a timely manner:

California – received a citation  
Hawaii - \$1,500 fine  
Colorado – \$2,300 fine  
Michigan - \$500 fine

Alabama actually revoked their license based upon an FDA warning letter. The facility responded and the revocation was stayed by the Alabama Board. FDA then issued a letter evaluating the corrective actions that were sent in response to the FDA warning letter. The FDA stated in that letter that "it appears that you have adequately addressed the violations contained in this warning letter"

After discussion, the Board moved to APPROVE Hartley Medical Center's license renewal.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Dependable Diabetic Supply – 69001144A HME Renewal:**

Melvin Bodway, R.Ph., CCP appeared on behalf of Dependable Diabetic Supply and was not represented by counsel.

Mr. Bodway indicated that North Carolina Board suspended the facility license on September 19, 2017. He indicated the facility did not receive any information from North Carolina on why they suspended the license.

He indicated that John Letko still owns the business.

In January 2018 the North Carolina Board vacated the suspension, however this was because the facility agreed to place the license on inactive status.

After discussion, the Board moved to TABLE this matter and requested that Brenda McClearn, counsel for the facility appear before the Board in April to discuss the North Carolina action.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**U S Healthcare Supply – 69000672A HME Renewal:**

Melvin Bodway, R.Ph., CCP appeared on behalf of Dependable Diabetic Supply and was not represented by counsel.

The Board TABLED this matter and requested that Brenda McClearn, counsel for the facility appear before the Board in April to discuss the North Carolina action.

Smosna/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Keystone Choice Pharmacy – 64001978A Non Resident Renewal:**

Melvin Bodway, R.Ph., CCP appeared on behalf of Dependable Diabetic Supply and was not represented by counsel.

The Board TABLED this matter and requested that Brenda McClearn, counsel for the facility appear before the Board in April to discuss the North Carolina action.

Smosna/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Optimum Health Pharmacy – 64002206A Non Resident Renewal:**

Melvin Bodway, R.Ph., CCP appeared on behalf of Dependable Diabetic Supply and was not represented by counsel.

The Board TABLED this matter and requested that Brenda McClearn, counsel for the facility appear before the Board in April to discuss the North Carolina action.

Smosna/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Bowen Recovery Center – Opioid Treatment Program CSR App:**

Carolyn Warner Greer, M.D. and Kathryn Southworth both appeared on behalf of this facility and were not represented by counsel.

Dr. Greer testified that back in 2009 she started abusing opiates. She knew she had a problem and went to an in-patient treatment program in Alabama for twelve (12) weeks

and contacted Candace Backer with ISMA and signed a five (5) year contract which she has successfully completed.

She indicated she was charged with several felonies, but once she completed the diversion program the charges were dropped.

In 2012-2014 she did a preceptor with Dr. Tim Kelly to be an addictionologist.

Her sobriety date is October 25, 2009.

She had also signed an MOU with DEA for schedule 3 only and it was amended for her to also do Methadone treatments. The MOU with DEA has since expired.

Methadone will be the only treatment they will be using at this facility.

After discussion, the Board moved to APPROVE Bowen Recovery's CSR application.

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

### **ADMINISTRATIVE HEARINGS**

The following administrative hearings were continued:

- **University Compounding Pharmacy License No. 64001106A, Cause No. 2018 IBP 0001**

#### **Melanie Arvin, R.Ph., License No. 26020779A, Cause No. 2018 IBP 0002**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included agreed Voluntary SUMMARY SUSPENSION until April 9, 2018.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the Settlement Agreement.

Wall/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Kathryn Bearss, Ph.T., License No. 67003506A, Cause No. 2004 IBP 0033**

Respondent did appear in person and was not represented by counsel regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Ms. Bearss explained that her license was suspended in June 2005 for diverting Vicodin in which she was selling. She indicated that she did not ingest the medication but was selling it for money.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REINSTATE Ms. Bearss' license on INDEFINITE PROBATION for two (2) years with terms and conditions.

Wall/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Matthew Bezy, R.Ph., License No. 26026502A, Cause No. 2017 IBP 0010**

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

Stipulation of facts entered into the record are in part as follows:

- Mr. Bezy has been addicted to Hydrocodone and Oxycodone since 2011
- He used Heroin when he was unable to obtain the above mentioned drugs

- October 1, 2015 he entered into a monitoring contract with PRN
- February 24, 2015 and April 5, 2016 he tested positive for opiates
- April 11, 2016 he appeared before the Board indicating he was under contract with PRN but did not mention the two (2) positive drug screens and the Board voted to grant a pharmacist license.
- January 28, 2017 he relapsed
- He last used a mind-altering substance in April 2017

Mr. Bezy indicated his sobriety date is April 29, 2017.

States Exhibit:

A – Stipulation of Facts

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for one (1) year with terms and conditions.

Fanning/Smosna, 5/0/0  
Motion carries

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:

Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Brandon Boston, Ph.T., License No. 67030243A, Cause No. 2018 IBP 0003**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

The Respondent has been charged with a Felony 6 – Theft where the value of property is between \$750 & \$50K.

His trial is scheduled for June 2018 in Morgan County.

States Exhibit:

B – Chronological Case Summary

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

Wall/Fanning, 4/0/1 with Mr. Smosna abstaining

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: Mark Smosna

**Atiman Damodaran, M.D., License No. 01028450B, Cause No. 2015 IBP 0035**

Respondent did appear in person and was not represented by counsel regarding a Petition to Modify Probation scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Dr. Damodaran indicated he is requesting to add schedules 2 and 2N to his CSR.

In January 2018, the Board approved him for only schedules 3,3N,4,& 5.

He has not seen any patients, but needs to have schedules 2 & 2N to obtain position as a physician.

The State objects to the modification of the drug schedules as the circumstance have not changed since the January 2018 hearing.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the Respondent's request to Modify Probation.

Wall/Fanning, 5/0/0  
Motion carries

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

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

Respondent did not appear in person and was represented by counsel, David McNamar regarding an Extension of Summary Suspension scheduled before the Board. The



State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Mr. Weber informed the Board that the facts in this matter have not changed and they are requesting a ninety (90) day extension of the summary suspension.

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

Wall/Smosna, 5/0/0  
Motion carries

**Sarah Graham, Ph.T., License No. 67019073A, Cause No. 2017 IBP 0025**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension & Disciplinary Hearing & Proposed Settlement Agreement 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 Sherri Rutledge with Rutledge Independent Reporting.

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

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included REVOCATION of the Respondent's license.

After reviewing the settlement agreement and taking its file into consideration the Board moved to ACCEPT the settlement agreement.

Fanning/Wilson, 4/0/0  
Motion carries

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Dana McClanahan, Ph.T., License No. 67021656A, Cause No. 2018 IBP 0004**

Respondent did not appear in person and was not represented by counsel regarding and Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Mr. Weber informed the Board that the criminal case in this matter is still pending.

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

Smosna/Wilson, 5/0/0  
Motion carries

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Ronica Parker, Ph.T., License No. 67025280A, Cause No. 2017 IBP 0009**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension & Disciplinary 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 Sherri Rutledge with Rutledge Independent Reporting.

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

Smosna/Wall, 5/0/0  
Motion carries

Wall/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Michael Porvaznik, M.D., License No. 01060166B, Cause No. 2017 IBP 0102**

Respondent did appear in person and was represented by counsel, Richard Kiefer regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Dr. Porvaznik indicated that he has surrendered his schedule 2 on his DEA certificate as he is a family physician and has no need to prescribe them.

In 2016, he went on medical leave due to a severe problem with alcohol. He signed a contract with ISMA for five (5) years and did an in-patient stay at Positive Sobriety Institute.

He stated that his employer referred him to ISMA.

He also indicated that for about a month he probably prescribed controlled substances while under the influence of alcohol. He was also found asleep at work, which he also attributed to alcohol.

On July 19, 2016 his BAC was 0.109 for alcohol while he was at work.

He currently goes to AA meetings at least three (3) times per week. Does the sober link breathalyzer three (3) times per day and has not had any positives with ISMA.

He did practice for a while on an expired license, his license expired on October 31, 2017 and he didn't renew until November 14, 2017

He also admitted he had a sexual relationship with a patient in June/July 2016.

He took an intensive boundary course and sees a counselor for sexual issues. His IMSA contract requires that every time he sees a female patient he must have a chaperone in the room with him.

He has been sober for twenty (20) months.

States Exhibits:

- 1 – Letter from Premier Healthcare
- 2 – Inspect Report from 11/1/2017 – 3/9/2018

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to RENEW his CSR with schedules 3-5.

Wilson/no second

Motion fails

After further discussion the Board moved to RENEW schedules 3-5 only on INDEFINITE PROBATION for a period of two (2) years with terms and conditions.

Fanning/Wall, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Beth Taylor, A.P.N., License No. 71002158B, Cause No. 2018 IBP 0005**

Respondent did appear in person and was represented by counsel, Tom Farlow regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

In 2012, DEA conducted an on-site inspection of the facility in which Beth Taylor was employed und Dr. Heinsen.

While there, DEA found that Ms. Taylor prescribed Suboxone for drug abuse treatments. A.P.N.'s are not eligible for a waiver with DEA (which you must have to prescribe Suboxone). It was also found that she prescribed diet medications and at that time A.P.N.'s were not allowed to prescribe them.

The Indiana State Board of Nursing placed Ms. Taylor's license on agreed Indefinite Probation for six (6) months on March 8, 2016 and lifted the probation on October 7, 2016.

Respondents Exhibits:  
1 – 26 binder of exhibits

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the Respondents CSR application with schedules 2,2N,3,3N,4&5.

Smosna/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, Del Fanning, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

**Tessa Wetherald, Ph.T., License No. 67022308A, Cause No. 2017 IBP 0075**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION for six (6) months with terms and conditions.

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the Settlement Agreement.

Wall/Smosna, 5/0/0  
Motion carries

**Cindy Marcela Narvaez Espinosa, P.T.I.T., License No. 99081965A, Cause No. 2018 IBP 0020**

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

The respondent diverted Phentermine from her employer, Walgreens.

States Exhibit:

A – Respondents voluntary statement

After having considered the evidence presented and taking its file into consideration the Board moved to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Wall/Wilson, /0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, John Wilson

The following board members voted nay: none

The following board members abstained: none

**Andrew M. Smith, P.T.I.T., License No. 99083624A, Cause No. 2018 IBP 0018**

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

was represented by Roxanne Hilton, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Mr. Smith diverted Diazepam and Phentermine tablets from his employer, Kroger. He has been charged with Theft – Misdemeanor.

States Exhibit:

A – chronological case summary

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Wilson/Smosna, 4/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Winnie Landis, Mark Smosna, John Wilson  
The following board members voted nay: none  
The following board members abstained: none

## DISCUSSION

### INSPECT Report – Kara Slusser, Inspect Director:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph., Mark Smosna, R.Ph., John Wilson, J.D.

PMPi:

- One of the goals of the INSPECT program this year is to increase the number of States sharing PDMP data with Indiana. They have reached out to Rhode Island, North Carolina and Tennessee in the last month to start the process of connecting through PMP InterConnect. Rhode Island will be the first state to integrate PDMP data into pharmacy management systems within CVS Pharmacy. Since Indiana will be integrating with CVS this year, we'll be working to connect to additional States that also have a large integration initiative to ensure interoperability between integrated chains in various States.

Upcoming Conferences:

- From April 2<sup>nd</sup> through the 5<sup>th</sup>, Kara will be in Atlanta attending the National Rx Drug Abuse and Heroin Summit.

NAMSDL:

- Kara has been invited to participate in Prescription Drug Monitoring Program Resource Group, which was created in 2016 by the National Alliance for Model

State Drug Laws (NAMSDL). NAMSDL will host two (2) in-person meetings of the Resource Group. The first meeting will be held in Wisconsin on June 7<sup>th</sup>. This is an opportunity for PDMP Administrators to collaborate on issues important to our states including:

- Changes to laws, rules, and policies that will facilitate specific program improvements;
- Key educational points about PDMPs for policymakers and appropriate others;
- Emerging challenges for PDMP Administrators; and
- Short-term and long-term assistance that will help states continue to transform PDMPs into optimal public health and safety tools.

#### INSPECT Integration Initiative

- Press release announcing the successful integration with Community Health Systems in Northern Indiana was sent out on February 13, 2018.
- Hometown Pharmacy went live this month, making this the 10<sup>th</sup> health care chain to complete their integration in Indiana
- Within the last two (2) weeks, they began integration projects with the Methodist Hospitals, the Bowen Center, Goshen Health and Indiana University Health Center in Bloomington.

#### **Darren Covington, Board Director – Report:**

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph., Mark Smosna, R.Ph., John Wilson, J.D.

#### **Pending Legislation: As of March 8, 2018**

##### **Senate Bill 52** Low THC extract.

Status: Passed Senate 35-13; Passed House with amendments 93-0; Referred to Conference Committee  
Provides that the Indiana department of state revenue (department) may revoke a registered retail merchant's certificate if the department has good cause to believe a retailer has sold or is selling low THC extract and the product is not derived from industrial hemp. Repeals all provisions concerning the cannabidiol registry and a "substance containing cannabidiol" (all added by HEA 1148-2017). Defines "low THC extract" as a product derived from Cannabis sativa L. that contains not more than 0.3% THC and no other controlled substances. Establishes requirements for the manufacture and sale of low THC extract. Provides that a person commits the offense of dealing in marijuana, hash oil, hashish, or salvia as a Level 5 felony if the: (1) person is a retailer; (2) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC extract; and (3) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia. Makes conforming amendments.

##### **Senate Bill 74** Controlled substances.

Status: Passed Senate 46-1; Passed House with amendments 91-0; Senate concurred; awaiting Governor signature

Adds Mexedrone to definition of "synthetic drug"

Adds the following drugs to Schedule I – opiates:

- Acrylfentanyl
- Cyclopentyl fentanyl
- Isobutyryl fentanyl
- Methoxyacetyl fentanyl
- Ocfentanil