

INDIANA BOARD OF PHARMACY

Met THROUGH VIDEO and AUDIO CONFERENCING
<https://IndianaEnhanced.Webex.com/join/PLAWebex>
(240) 454-0887 and entering meeting room # 610 915 440

MINUTES OF APRIL 12, 2021

Steve Anderson, R.Ph., President, called the meeting to order at 8:04 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted 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 by Telephone: Steve Anderson, R.Ph., President
Mark Smosna, R.Ph., Vice President
Mark Bunton, R.Ph., Member
Winnie Landis, R.Ph., Member
Matt Balla, R.Ph., Member
Jason Jablonski, R.Ph., Member

Staff Present by Telephone: Laura Turner, J.D., Board Director
Professional Licensing Agency
Jody Edens, Assistant Director
Professional Licensing Agency
Kurt Miller, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted by roll call to adopt the agenda.

Bunton/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Mark Bunton, Jason Jablonski, Matt Balla
The following board members objected: none
The following board members abstained: none

The Board voted by roll call to adopt the September 14, 2020; minutes as written:

Smosna/Landis, 3/0/3
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna,
The following board members objected: none

The following board members abstained: Jason Jablonski, Matt Balla, Mark Buntton

FULL BOARD APPEARANCES

The following matter was continued:

Sumeet Sing, WDD Accreditation discussion

The following matter did not appear for the scheduled appearance:

Pfeiffer Prescription Services – Non-Resident Change of Ownership – Positive Response

Valparaiso Health Center of St. Mary Medical Center – Remote Dispensing Facility Application

National Coalition for Drug Quality & Security, Introduction to two (2) new programs for companies in the pharmaceutical supply chain:

Denise Frank, Director of Accreditation, and Inspection for NCDQA appeared virtually regarding this matter.

Ms. Frank indicated that this would be a good accreditation program for small independent, second day, and specialty wholesale drug distributor. This company was launched in 2019.

The states that are currently using NCDQA accreditation are Iowa, Nebraska, Maryland, Vermont, Mississippi, New Hampshire, Kansas. Iowa has sent their compliance officers to the training twice.

It's a three (3) year accreditation. A new business will be on conditional accreditation for one (1) year, then they do a second (2nd) review and if pass they will then be extended to the three (3) year.

They offer company training to compliance officers on supply chain. They are asking the Board for approval for wholesale drug distributors to use NCDQA that are licensed in Indiana.

Indiana Code 26-26-14 states we accept VAWD accreditation. This would take a rule change if the Board decided to use NCDQA.

The Board thanked Ms. Frank for her presentation.

After discussion, the Board moved to TABLE this matter.

Landis/Smosna, 6/0/0

Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Mark Bunton, Jason Jablonski, Matt Balla
The following board members objected: none
The following board members abstained: none

Shakamak Health d/b/a Shakamak Pharmacy – Remodel Application – Positive Response:

Traver Wolf appeared virtually on behalf of this matter.

Mr. Wolf indicated an inspection was made at his facility. The Compliance Officer stated that the robotic dispensing machine was not labeled correctly. The Officer posed the questions to the robotics manufacturer. The manufacturer reached out to the Board Director and was told that they were ok with what Mr. Wolf was doing. Upon receiving this news, he did not change the robotics like the Officer had said.

When the Officer returned, he said the robot was still wrong and this would result in a failed inspection. Mr. Wolf has concerns about this as he feels it's a bigger issue than his store and apparently there is some grey area where things are being read and interpreted differently. Mr. Wolf asked for additional clarification and requested to change the fail to a pending inspection until robotics can comply with what the officer was asking.

Mr. Wolf indicated they have had the Scriptpro dispensing machine for six (6) years and have had several inspections with the robot. He went with the Officer to the display screen of the machine and scrolled down through all the drugs listed in the device. The officer indicated every entry was incorrect and that would result in a corrective action plan.

He told the Officer that he has not deviated from how the robotics manufacturer states to log the products in the device and that it was approved in all other inspections.

He clarified that there is a new sticker placed on each drug cell that contains the lot, expiration, and fill date on each instance that the cell is refilled. The cell is not refilled until empty otherwise the one (1) year expiration date would be incorrect. He said they were instructed by Scriptpro that manufacturer bottle expiration date was to be entered into the screen so that it could be tracked for recall purposes only.

The Board reviewed

856 IAC 1-21-1 Resale of returned substances

Authority: IC 25-26-13-4

Affected: IC 25-26-13-25

Sec. 1. (a) This section implements and interprets IC 25-26-13-25(h) concerning the resale or redistribution of medications.

(b) For a medication to have been properly stored and securely maintained according to sound pharmacy practices, the storage and administration of medications in the

institutional facility must be under the immediate control of licensed nursing personnel.

(c) If the medication was originally packaged by the dispensing pharmacy, it cannot be resold or redistributed unless:

(1) the medication has been repackaged into unit-dose packaging using packaging materials that meets Class A or Class B standards, found in the United States Pharmacopeia (U.S.P.), page 1574, published by the United States Pharmacopeia, 22nd Revision, January 1, 1990, United States Pharmacopeia Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852, which standards are incorporated herein by reference; and

(2) the repackaging process complies with the standards as found in the "Proper Treatment of Products Subjected to Additional Manipulations, Section 1191" of the United States Pharmacopeia, page 1705, 22nd Revision, 1990, which section is incorporated herein by reference.

(d) A medication repackaged under the provisions of subsection (c) shall be labeled with an expiration date of not greater than one (1) year until the manufacturer's expiration date, whichever is earlier.

After discussion, the Board moved to APPROVE Shakamak Health remodel application as they are in compliance.

Smosna/Balla, 6/0/0
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Mark Bunton, Jason Jablonski, Matt Balla

The following board members objected: none

The following board members abstained: none

The Medicine Chest Southwest – Remote Location Application

Andrew Campbell appeared telephonically regarding this matter.

Let the record reflect that Steve Anderson recused himself from this matter and left the meeting.

It will only be used for patients to pick up already filled compounded prescriptions. A technician will be on staff. They are doing this for the cost and convenience to the customer.

Kurt Miller, J.D., Board Advisor, Attorney General's Office indicated he would look into the law to see if it allows for a prescription to be filled at one location and picked up in a different location.

After discussion, the Board moved to TABLE this matter.

Landis/Bunton, 5/0/0
Motion carries

The following board members voted aye by roll call:
Winnie Landis, Mark Smosna, Mark Bunton, Jason Jablonski, Matt Balla
The following board members objected: none
The following board members abstained: none

The South Bend Clinic Pharmacy – Remote Dispensing Application:

James Lewis appeared telephonically regarding this matter.

Let the record reflect that Steve Anderson recused himself from this matter and left the meeting.

Mr. Lewis indicated they will fill approximately fifty (50) prescriptions per day. The pharmacy is in a clinic in a building by itself, and they will only fill employee prescriptions of the hospital.

After discussion, the Board moved to APPROVE the South Bend Clinic Pharmacy application.

Jablonski/Balla, 5/0/0
Motion carries

The following board members voted aye by roll call:
Winnie Landis, Mark Smosna, Mark Bunton, Jason Jablonski, Matt Balla
The following board members objected: none
The following board members abstained: none

PERSONAL APPEARANCES

The following personal appearance(s) did not appear:

- Charlotte Thomas, R.Ph. – Repeat MPJE Application
- Brooke Carr – Technician Application – Positive Response
- Tyler Kroeger – Technician Application

Shan Ardeshta, R.Ph. – Repeat MPJE Application:

Shan Ardeshta appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Shan's MPJE repeat exam application.

Smosna/Landis, 6/0/0

Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Matt Balla, Jason Jablonski, Mark Bunton

The following board members objected: none

The following board members abstained: none

Meghan Sorrells, R.Ph. – Repeat MPJE & NAPLEX Application:

Meghan Sorrells appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Meghan's MPJE and NAPLEX repeat exam application.

Smosna/Landis, 6/0/0

Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Matt Balla, Jason Jablonski, Mark Bunton

The following board members objected: none

The following board members abstained: none

Erin Cline, Technician Application – Positive Response:

Erin Cline appeared telephonically before the Board and was not represented by counsel regarding a positive response on her initial application.

In 2018 and 2020 Ms. Cline received two speeding tickets and entered a deferral program. Documentation looked like she still owed court costs, when in fact it was paid in full.

After discussion, the Board moved to APPROVE Erin's technician application.

Smosna/Balla, 6/0/0

Motion carries

The following board members voted aye by roll call:

Winnie Landis, Matt Balla, Jason Jablonski, Mark Bunton, Mark Smosna

The following board members objected: none

The following board members abstained: none

Nicole Cogan, R.Ph., License No. 26021867A, Reinstatement Renewal – Positive Response:

Nicole Cogan appeared telephonically before the Board and was not represented by counsel regarding a positive response on her initial application.

Nicole indicated she was getting migraines that were really debilitating so she went to her physician and got a prescription.

She stated that during one of these headaches she too three (3) oxycodone tablets from a employee but she didn't ingest any of the pills.

She entered the Ohio PAP program and successfully completed it in December 2020. She continues to go to counseling. On January 31, 2021, her Ohio license was reinstated on probation for five (5) years.

After discussion, the Board moved to APPROVE Nicole's reinstatement renewal on INDEFINITE PROBATION with terms and conditions.

Bunton/Landis, 6/0/0
Motion carries

The following board members voted aye by roll call:
Winnie Landis, Matt Balla, Jason Jablonski, Mark Bunton, Mark Smosna
The following board members objected: none
The following board members abstained: none

Deasia Ball, Technician Application – Positive Response:

Deasia Ball appeared telephonically before the Board and was not represented by counsel regarding a positive response on her initial application.

She received a ticket for what was documented as racing her car. Her next court date is May 28, 2021. The courts keep continuing her hearing due to Covid.

After discussion, the Board moved to APPROVE Deasia's initial application.

Landis/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:
Winnie Landis, Matt Balla, Jason Jablonski, Mark Bunton, Mark Smosna
The following board members objected: none
The following board members abstained: none

Marina Blackwell, Ph.T., License No, 67035149A, License Renewal – Positive Response:

Marina Blackwell appeared telephonically before the Board and was not represented by counsel regarding a positive response on her renewal application.

During her husband's deployment she found that she was drinking too much so she entered Fairbanks program from March 4 to March 23. She continues to see a therapist and goes to AA meetings.

She has licenses in Kansas, Virginia, and North Carolina.

Her sobriety date is March 2, 2021.

After discussion, the Board moved to TABLE this matter for an addictionology evaluation and a copy of the letter from Fairbanks and her therapist.

Landis/Bunton, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Jason Jablonski, Mark Bunton, Mark Smosna
The following board members objected: none
The following board members abstained: none

This matter reconvened at 2:48 p.m. same day.

The Board reviewed the letters from Fairbanks and her therapist, which included a plan of recovery that included AA meetings, sponsor, two sessions per week with her therapist.

After discussion, the Board moved to RENEW on AGREED INDEFINITE PROBATION with terms and conditions.

Landis/Bunton, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Jason Jablonski, Mark Bunton, Mark Smosna
The following board members objected: none
The following board members abstained: none

Assad Nasr, R.Ph., License No. 26022669A, License Renewal – Positive Response:

Assad Nasr appeared telephonically before the Board and was not represented by counsel regarding a positive response on his renewal application.

DEA has charged him with conspiracy to sell drugs.

The Kentucky Board is aware of the charges, and they still renewed his license.

He indicated that due to shoulder surgery he is currently not working. He was previously working at Chewy, but once they were aware of the charges, they terminated his employment.

After discussion, the Board moved to APPROVE his Renewal and to FILE A COMPLAINT with the Attorney General's office.

Smosna/Landis, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Jason Jablonski, Mark Bunton, Mark Smosna
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing was continued:

Lovie Hunn, Ph.T., License No. 67034784A, Cause No. 2019 IBP 0073
Jada Bush, R.Ph., License No. 26021412A, Cause No. 2021 IBP 0001
Meggan E. New, Ph.T., License No. 67029458A, Cause No. 2021 IBP 0006
Dalisa Leavelle-Tubbs, Ph.T., License No. 67032904A, Cause No. 2021 IBP 0007

Barbara Lyn Carson, Ph.T., License No. 67031345A, Cause No. 2020 IBP 0023

Respondent did not appear telephonically 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

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/Balla, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Dijon Coleman, Ph.T., License No. 67031695A, Cause No. 2019 IBP 0039

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and Derek Peterson, Deputy Attorney

General and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

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 based upon past precedence of the state and the Board, and his ability to renew.

Smosna/Bunton, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

John Cox, R.Ph., License No. 26016022A, Cause No. 2020 IBP 0003

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

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 based upon past precedence of the state and the Board, and his ability to renew.

Smosna/Balla, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

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

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

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 based upon past precedence of the state and the Board, and her ability to renew.

Smosna/Balla, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Shirley Lindsey, Ph.T., License No. 67032904A, Cause No. 2019 IBP 0029

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

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 based upon past precedence of the state and the Board, and her ability to renew.

Smosna/Landis, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Brent A. Losier, R.Ph., License No. 26018627A, Cause No. 2017 IBP 0057

Respondent did not appear telephonically and was not represented by counsel 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

His federal trial is currently scheduled for October 4, 2021.

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.

Bunton/Balla, 6/0/0

Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla

The following board members objected: none

The following board members abstained: none

Charles N. Ringger, R.Ph., License No. 26012961A, Cause No. 2017 IBP 0049

Respondent did not appear telephonically and was not represented by counsel 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Jason Jablonski recused himself from this matter and left the meeting.

His trial is currently scheduled for October 4, 2021.

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.

Balla/Smosna, 6/0/0
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla

The following board members objected: none

The following board members abstained: none

Christopher Wagner, Ph.T., License No. 67009920A, Cause No. 2020 IBP 0002

Respondent did not appear telephonically 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Mark Smosna explained that they were both employed by Walgreens and does not have knowledge of this applicant. Mr. Eldridge was fine with him participating.

The State files the following motions:

1. To Vacate the Summary Suspension as he has filed an administrative complaint,

and the Respondent's criminal charges have been expunged, so the State can't charge based upon them.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to VACATE the SUMMARY SUSPENSION based upon the expungement of criminal charges.

Bunton/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla

The following board members objected: none

The following board members abstained: none

2. Request to Amend the Administrative Complaint due to the expungement.

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 Amendment of the Complaint based upon the expungement of criminal charges.

Bunton/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla

The following board members objected: none

The following board members abstained: none

Erin Cupp, Ph.T., License No. 67007062A, Cause No. 2012 IBP 00028

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Reinstate 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Ms. Cupp explained to the Board that her license has been suspended since 2012 as she diverted two (2) capsules of Cymbalta.

For the past three (3) years she has been working for a Veterinarian, but she has the opportunity to work for a pharmacy if she can get her license reinstated.

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 Reinstatement of her License upon receiving a letter from Kroger indicating they will put her through their technician training program.

Smosna/Landis, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Breanna Ferrell, Ph.T., License No. 67030668A, Cause No. 2019 IBP 0059

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Reinstate scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

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

Let the record reflect that Mark Bunton explained that he is also employed by CVS but does not have knowledge of this respondent. Both parties were fine with Mr. Bunton participating.

In 2018, the Board renewed Ms. Ferrell's technician license on agreed indefinite probation due to a DUI. Her BAC was .21.

She has completed all of her court probation including the two-hundred thirty (230) hours of community service, victim impact panel, AA classes.

She indicated it has been at least six (6) months since she has had an alcoholic beverage.

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/Balla, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Harbor Compounding and Home Health Pharmacy, License No. 64001538A, Cause No. 2016 IBP 0005

Michael Hua, R.Ph., PIC appeared telephonically and was not represented by counsel 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

November 2020, California Board lifted the probation from Harbor Compounding and Home Health Pharmacy's license. California took the original action on their license, the States of CO, IN, MO all followed with sister action.

Their Colorado license has also been taken off of probation and they are waiting to hear about their Missouri license.

They are not doing sterile compounding and have no plans to go back to doing it.

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.

Balla/Landis, 6/0/0
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla

The following board members objected: none

The following board members abstained: none

Carolyn Warner Greer, M.D., CSR Pending, Cause No. 2021 IBP 0015

Respondent appeared telephonically and was not represented by counsel regarding a Order to Show Cause/CSR Application scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Dr. Warner Greer informed the Board that she needs her CSR to do injections at the Bowen Center.

In 2009 she went into treatment and completed ISMA's program in 2014 and has been sober ever since.

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. Warner Greer's CSR application.

Balla/Smosna, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Anjil D. Bradley, Ph.T., License No. 67033237A, Cause No. 2021 IBP 0019

Respondent did not appear telephonically and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both employed by CVS and do not have knowledge of this respondent. Ms. Gibson was fine with both participating.

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

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to APPROVE the Settlement Agreement.

Smosna/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

DISCUSSION

NABP Voting Delegate for Annual Meeting:

The NABP annual meeting will be virtual this year. Winnie volunteered to be the voting delegate and Mark Smosna volunteered to be the alternate voting delegate.

After discussion, the Board moved to APPROVE Winnie as the voting delegate and Mark Smosna as the alternate.

Anderson/Smosna, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Mark Bunton, Matt Balla
The following board members objected: none
The following board members abstained: none

Kara Slusser, INSPECT Director, NIDA Discussion:

Ms. Slusser submitted to the Board a copy of questions that were submitted on behalf of Dr. Jonathan Pollock, with the National Institute on Drug Abuse (NIDA) at the National Institutes of Health in Rockville, MD. Ms. Slusser has included draft responses in blue below to each question.

The email states the following:

"My name is Vivian Lee. I am an assistant to Dr. Pollock, the Chief of the Genetics, Epigenetics and Developmental Neuroscience Branch at the National Institute on Drug Abuse (NIDA) at the National Institutes of Health in Rockville, MD. NIDA is a federal agency that funds 85 percent of all research on substance abuse in the world.

Below is a query regarding researchers accessing PDMP data in Indiana. Your response to the questions below would be most appreciated. Understanding the policies and laws will be most helpful in advancing research on opioid abuse and addiction. In addition to answering the questions below, we would appreciate if you would provide hyperlinks to written policy statement and law regarding access by researchers, health providers, and law enforcement. Please provide a response or provide the name and contact information of the appropriate person to contact.

1. Does your state allow for PDMP data to be used for research or quality improvement purposes?
 - a. Yes
 - b. No

*Please provide hyperlink to written policy statement and law supporting your answer and any other comment.

Aggregated PDMP data collected by the PDMP from 2019-2021 is available on our public data dashboard at the following link: <https://www.in.gov/mph/1245.htm>

All additional data requests must be presented to the Indiana Board of Pharmacy, which governs Indiana's PDMP. An IRB will be required. To request PDMP from the Indiana Board of Pharmacy, please contact our Assistant Board Director, Jody Edens, at jedens@pla.in.gov

2. Does your state allow sharing of PDMP data for research or quality improvement purposes between states?

- a. Yes – if yes, which states?
- b. No

*Please provide hyperlink to written policy statement and law supporting your answer and any other comment.

See response to question one.

3. Does your state allow for sharing of de-identified individual patient level data vs. aggregated data?

- a. Yes
- b. No

*Please provide hyperlink to written policy statement and law supporting your answer and any other comment.

Indiana allows for sharing of patient level data through the PDMP for qualified healthcare practitioners who access this data for the purposes of providing medical or pharmaceutical treatment or evaluating the need for providing medical or pharmaceutical treatment to a patient. De-identified patient level data for research must be requested through the Indiana Board of Pharmacy. Information regarding the confidentiality and disclosure of PDMP data can be found in IC 25-26-24-19.

4. Does your state allow for linking of patient level data for research purposes?

- a. Yes
- b. No

*Please provide hyperlink to written policy statement and law supporting your answer and any other comment.

Please see the above responses and reference the attached INSPECT Statutes.

5. Would your state allow linking of patient level data for research purposes if a secure data mechanism was used by an honest broker where the final dataset would be coded without identifiers, (i.e., hashing algorithms such as SHA-2 that comply with HIPAA FIPS-140-2/180 security rules)?

- a. Yes
- b. No

*Please provide hyperlink to written policy statement and law supporting your answer and any other comment.

Please see the above responses and reference the attached INSPECT Statutes.

6. Would your state allow linking of patient level data for research purposes if the study was IRB approved and patients had consented to having their data linked to sources such as PDMP?
 - a. Yes
 - b. No

*Please provide hyperlink to written policy statement and law supporting your answer and any other comment.

Please see the above responses and reference the attached INSPECT Statutes.

7. If access is allowed, may out of state investigators gain access to the PDMP data? Please describe the process for applying for access to PDMP data?

Out of State investigators are eligible for access to the PDMP. They must register for an account and wait for approval from the state. PDMP account registrations can be completed at <https://indiana.pmpaware.net>.

For information about appropriate access to and use of PDMP data by a law enforcement officer, review IC 25-26-24-19 in the attached document.

8. What obstacles do you see for improved PDMP data use by investigators, both in and out of state? If access by investigators is not allowed, are you aware of any pending laws to facilitate access for researcher investigating opioid abuse and addiction.

The variation in state laws and program rules concerning law enforcement access to PDMP data could be considered an obstacle. In some states, a subpoena is required to release data to a PDMP registered law enforcement user.

9. Does your state PDMP permit interstate data sharing? Is so, among which states? Who can access to this data? Is data sharing bidirectional?

Indiana's PDMP currently shares data bidirectionally with the following states and entities. At this time, the interstate data sharing hub can only be accessed healthcare providers. Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Military Health System, Minnesota, Missouri, Montana, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin.

10. How is your state PDMP program supported? Does it receive any federal funds? What are the grant numbers received from federal agencies and who are the federal agency contacts?

Indiana's PDMP is primarily supported by State Controlled Substance Registration (CSR) fees. This fee is paid bi-annually by healthcare providers and entities licensed in Indiana and authorized to stock, administer, prescribe, or conduct research with respect to controlled substances.

EHR Query

1. What is the architecture in your state for sharing PDMP data with the EHR?
Since 2017, Indiana has engaged in a statewide initiative to integrate PDMP data into electronic health records and pharmacy management systems. Data integration is facilitated by the PMP Gateway program. Patient prescription history reports include data from Indiana and data sharing partner states, if the patient has filled prescriptions in one of those states within the past 24 months.
2. What obstacles do you see for improved data integration between PDMP and EHR?
Maintaining a robust data system could be a potential issue in the future. The national PDMP data sharing hub currently handles an average of 400 million data transactions from 52 PDMPs each month. As these programs continue to advance and interstate data transactions increase with the use of integration solutions, some states could experience technical difficulties, server errors and other limitations, if not prepared.

Ms. Slusser also indicated they are trying to determine if they should decrease the manufacturer of drugs. Total number of dispensations by fifty percent (50%).

The Board discussed providing de-identified data to the DEA.

After discussion, the Board moved to APPROVE to data to the DEA.

Smosna/Landis, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Mark Smosna, Jason Jablonski, Matt Balla
The following board members objected: none
The following board members abstained: none

Technician Immunization Rules:

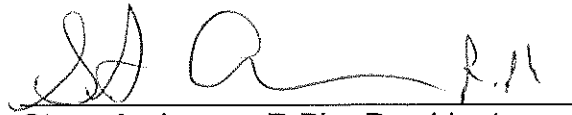
Ms. Turner informed the Board that we now have emergency rule making authority for technician immunization rules. We need to reconvene the committee to review the rule again.

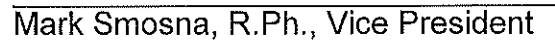
The following members are on the immunization rules committee: Mark Bunton, Matt Balla, Winnie Landis, and Steve Anderson.

Ms. Turner also informed the Board that because we did not meet the publication timeline for this rule, we will have a Public Hearing again in May.

The Board thanked Ms. Turner for the report.

There being no further business the Board adjourned at 4:09 p.m.


Steve Anderson, R.Ph., President


Mark Smosna, R.Ph., Vice President

