

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

MINUTES OF MAY 13, 2019

Mark Smosna, R.Ph., President, called the meeting to order at 8:36 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: Mark Smosna, R.Ph., President
Del Fanning, R.Ph., Member
Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Member
Matt Balla, R.Ph., Vice President

Member(s) Absent: Steven Anderson, 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
Nicole Schuster, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Landis/Fanning, 5/0/0
Motion carries

The following board members voted aye:
Winnie Landis, Donna Wall, Mark Smosna, Matt Balla, Del Fanning

The following board members voted nay: none

The following board members abstained: none

The Board voted to approve the April 8, 2019 minutes as written.

Landis/Fanning, 5/0/0
Motion carries

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

FULL BOARD APPEARANCES

EMS Provider CSR/DEA, Kraig Kinney, J.D., Legal Counsel, IDHA/EMS:

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

Mr. Kinney appeared before the Board to discuss Emergency Medical Services (EMS) Ambulances obtaining controlled substance registrations. He indicated this would be for the ALS (advanced life support) ambulances only as the volunteer ambulances do not carry controlled substances.

He indicated that in 2017 DEA started allowing EMS providers the opportunity to obtain a DEA, it is not a requirement at this time. To obtain the DEA the EMS must first have a controlled substance registration(CSR).

EMS's must have a supervising Hospital.

He is requesting that the Board look at removing the waiver language in 856 IAC 2-3-4 which exempts EMS's from registration.

He also indicated there are approximately 400 EMS services.

The Board thanked Mr. Kinney for his presentation.

Apollo Prescription – Remote Dispensing Facility Application – Saumiin Calcuttawala:

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

Let the record reflect that Donna Wall recused herself from this matter.

The facility will be at IU Plaza East in a building that incorporates Physician offices also. They have separate entrances to all the offices. They do not have a business relationship with the physician offices.

They estimate they would do 50 – 100 prescriptions per day.

After discussion, the Board determined that the ten (10) mile rule would apply in this matter and that there are approximately three (3) other Pharmacies within two (2) miles of this location, therefore the Board DENIED the application.

Fanning/Landis, 4/0/0
Motion carries

Legislative Update – Meredith Lizza, Director of Communications and Legislative Affairs, IPLA:

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

Ms. Lizza gave an update to the Board on the following:

- **HE 1246:** Health Matters (Abridged) *Requires a pharmacy to transfer, upon the request of a patient, certain prescriptions for the patient that the pharmacy has received but not filled to another pharmacy. Provides that, beginning January 1, 2020, a pharmacy may not dispense injectable epinephrine or glucagon that has an expiration date of fewer than 12 months from the date that the pharmacy dispenses the injectable epinephrine or glucagon to a person unless the person consents to the expiration date being less than 12 months. Provides that an automated dispensing system that meets certain requirements may be operated in a location other than through a registered remote dispensing facility. Allows a qualifying pharmacist who is absent to have a designee in the pharmacist's place at a remote dispensing facility. Allows the board of pharmacy to establish continuing education rules for pharmacy technicians who are at a remote dispensing facility that is not staffed by a pharmacist. Provides that auditory communication must be available, as needed, with the remote dispensing facility and the qualifying pharmacist. Requires the board to adopt emergency rules concerning automated dispensing systems. Provides that the term "wholesale distribution", for purposes of the wholesale legend drug distributor laws, does not include the sale or transfer of a drug by a charitable organization to: (1) a nonprofit affiliate of the organization; or (2) a nonprofit entity that is not affiliated with the organization; to the extent permitted by law. Provides that a program to accept unused medication by a business or other entity is not subject to regulation by a city, town, or county. Prohibits a city, town, or county from requiring a business or other entity to pay for or establish a program to accept unused medication. Adds gabapentin to the definition of "controlled substance" for purposes of the Indiana scheduled prescription electronic collection and TRACKING (INSPECT) program. Provides that the rules of INSPECT that were adopted before its repeal are considered to be adopted under the new INSPECT law. Requires a health plan that denies prior authorization for certain prescription drugs to provide an alternative list of prescription drugs or alternative treatments covered by the health plan. Requires the Board of veterinary medical examiners to study the regulation of veterinary technicians.*
- **HE 1248: Effective July 1, 2019** *Pharmacists; physician assistants. Sets out the conditions for emergency pharmaceutical refills and prescription adaptations. Permits a pharmacist to prescribe certain devices or supplies approved by the federal Food and Drug Administration. Provides that if a pharmacist prescribes certain devices or supplies, the pharmacist must provide the patient with a written advance beneficiary notice that is signed by the patient and that states that the patient may not be eligible for reimbursement for the device or supply. Requires that the pharmacy must keep a copy of the patient's advance beneficiary notice. Changes the role of a supervising physician for a physician assistant to that of a collaborating physician. Removes prescribing requirement language of at least 30 contact hours in pharmacology by a program approved by the committee and requires the physician assistant to have graduated from an accredited physician assistant program and have received the required pharmacology training from the program. Removes the following requirements concerning prescribing by a physician assistant: (1) A physician assistant prescribing a controlled substance to have practiced as a physician assistant for at least 1,800 hours. (2) Prescribing authority being delegated to a physician assistant to be expressly delegated in writing by the physician. (3) Limiting the amount prescribed to an amount not to exceed a 30 day supply. Removes a requirement that a physician review at least 25% of the patient's records in a physician assistant's first year of practice. Requires the review of at least 10% of the patient records concerning the prescribing or administering of a drug (instead of only certain scheduled drugs) for the first year in which a physician assistant obtains authority to prescribe a drug. Removes certain chart review requirements and a statement to the board by the physician.*
- **HB 1269 states in part:** *Abolishes the Indiana dietitian's certification board and transfers the board's duties to the medical licensing board of Indiana. Provides that members appointed to boards staffed by the professional licensing agency: (1) have four year term limits; (2) may serve multiple terms; (3) in certain*

instances, may not have more than two members from the same congressional district; (4) serve at the pleasure of the governor; and (5) must be removed under certain circumstances. Restructures the membership of the following boards: (1) Indiana board of accountancy. (2) Board of registration for architects and landscape architects. (3) Indiana athletic trainer's board. (4) Indiana auctioneer commission. (5) Board of chiropractic examiners. (6) State board of funeral and cemetery service. (7) Indiana state board of health facility administrators. (8) Home inspectors licensing board. (9) State board of registration for professional surveyors. (10) State board of massage therapy. (11) Midwifery committee. (12) Behavioral health and human services licensing board. (13) Manufactured home installer licensing board. (14) Indiana optometry board. (15) Indiana plumbing commission. (16) Board of podiatric medicine. (17) Private investigator and security guard licensing board. (18) State psychology board. (19) Real estate appraiser licensure and certification board. (20) Speech-language pathology and audiology board. Amends professional experience qualifications for appointment of registered architects and registered landscape architects to the board of registration for architects and landscape architects to provide that the professional experience qualifications are preferences rather than requirements. Provides that to the extent possible, the governor shall appoint to the state board of registration for professional engineers individual areas of professional practice. Makes Technical changes.

- **HB 1294: Effective April 18, 2019** *INSPECT* program. Moves existing language concerning the central repository for controlled substances data from Title 35 to Title 25 and makes conforming changes. Specifies that a practitioner may obtain information about a patient directly through the Indiana scheduled prescription electronic collection and tracking program data base (*INSPECT* data base) or through the patient's integrated health record. Decreases the instances in which a Class A misdemeanor is a violation of when a practitioner discloses confidential information without authorization. (Current law provides for a Class A misdemeanor for any violation of the chapter.) Provides for instances where a practitioner is not required to obtain information from the *INSPECT* data base.
- **HB 1542: Human services matters (Abridged).** Requires the behavioral health and human services licensing board to meet monthly. Allows the board of pharmacy to approve a remote or mobile location for a nonresident pharmacy that is registered with the board. Allows a pharmacy that holds a retail permit to offer drugs and devices to a long term care facility, a health facility, and a housing with services establishment. Provides that the term "wholesale distribution", for purposes of the wholesale legend drug distributor laws, does not include the sale or transfer of a drug by a charitable organization to: (1) a nonprofit affiliate of the organization; or (2) a nonprofit entity that is not affiliated with the organization; to the extent permitted by law. Provides that a program to accept unused medication by a business or other entity is not subject to regulation by a city, town, or county. Prohibits a city, town, or county from requiring a business or other entity to pay for or establish a program to accept unused medication. Adds gabapentin to the definition of "controlled substance" for purposes of the Indiana scheduled prescription electronic collection and tracking (*INSPECT*) program. Provides that the rules of the *INSPECT* program that were adopted before its repeal are considered to be adopted under the new *INSPECT* law. Requires a health plan that denies prior authorization for certain prescription drugs to provide an alternative list of prescription drugs or alternative treatments covered by the health plan. Requires the board of veterinary medical examiners to study the regulation of veterinary technicians.
- **HB 1569: Effective July 1, 2019** *Professional licensing matters.* Provides for an annual renewal process for appraisal management companies. Changes the designation of a certified dietician to a licensed dietician. Allows for a hearing aid dealer in training to fit or dispense hearing aids while under the supervision and direction of an individual who holds a temporary or valid hearing aid dealer certificate of registration. Defines a conviction of concern. Amends a provision concerning the way a conviction for a crime of concern affects an individual with a professional license or certification. Removes a provision that requires a dental hygienist to obtain and maintain a national provider identifier number. Allows for the state board of dentistry (board) to issue dental residency permits and dental faculty licenses. (Current law allows for the board to issue limited dental residency permits and limited faculty licenses.) Removes a provision that prohibits an Indiana dental school from having more than 10% of its full-time faculty licensed with an instructor's license. Makes various changes to provisions concerning how a crime of concern affects an individual with a professional license or certification.
- **SB 176: Effective July 1, 2019 and December 31, 2020** *Prescriptions.* Allows certain prescriptions to be transmitted electronically. Requires dentists, physicians, advanced practice registered nurses, optometrists, physician assistants, and podiatrists to issue a prescription for a controlled substance in an electronic format and by electronic transmission after December 31, 2020. Provides exceptions to issuing an electronically transmitted prescription for a controlled substance. Requires the Indiana board of pharmacy to adopt rules concerning electronically transmitted prescriptions for controlled substances. Provides that dentists, physicians, advanced practice registered nurses, optometrists, physician assistants, and podiatrists are subject to disciplinary

action for violating these provisions. Requires a pharmacy to transfer, upon the request of a patient, a prescription for the patient that the pharmacy has received but not filled to another pharmacy. Sets forth exceptions. Urges the legislative council to assign to an appropriate interim study committee the task of studying the advantages, disadvantages, and feasibility of requiring health care providers to issue prescriptions in an electronic format and by electronic transmission; and (2) any exceptions that would be needed to a requirement for health care providers to issue an electronic format and by electronic transmission. Makes conforming changes.

- **SB 631: Effective July 1, 2019** Drug classifications and drug schedules. Adds numerous substances to the definition of "synthetic drug". Adds epidiolex and brivaracetam to schedule V. Specifies that dronabinol is a schedule II controlled substance only in oral solution. Defines "fentanyl-related substance" and adds it to schedule I. Moves certain fentanyl-related substances from definition of "synthetic drugs" in schedule II to schedule I. Adds Thiafentanil to schedule II. Makes conforming changes.
- **SEA 225 – 2018 – All practitioners who apply or renew a CSR:** Effective July 1, 2019 all practitioners registering or re-registering for a controlled substance registration must have completed two (2) hours of continuing education related to opioid prescribing and opioid abuse. (this provision expires July 1, 2025).

The Board thanked Ms. Lizza for the information.

PROBATIONARY APPEARANCES

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

The following made their probationary appearance:

Melanie Arvin
Lucas Sweet
Troy Martin

Maria Henderson notified Ms. Nunnally that due to a family emergency she would not be able to attend. Ms. Nunnally will schedule her to appear next month.

Emmylou Melton – did not appear for her probationary appearance. She is actually scheduled to appear before the Board on an Order to Show Cause today.

The Board thanked Ms. Nunnally for her report.

PERSONAL APPEARANCES

- **Vincent Chen, MPJE Repeat Exam - Continued**

Alexander Schmitt - NAPLEX Repeat Exam App:

Mr. Schmitt appeared before the Board and discussed his studying habits.

After discussion, the Board moved to APPROVE Mr. Schmitt's NAPLEX repeat exam application.

Fanning/Balla, 5/0/0

Motion carries

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

Dezaray McDonald, MPJE Repeat Exam App:

Ms. McDonald appeared before the Board and discussed her studying habits.

After discussion, the Board moved to APPROVE Ms. McDonald's MPJE repeat exam application.

Fanning/Wall, 5/0/0
Motion carries

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

Cameron Skillon, Technician App:

Mr. Skillon appeared before the Board regarding his technician application and was not represented by counsel.

In 2018, Mr. Skillon was charged with a DUI. He entered a diversion program and has three (3) months left on his probation with the courts.

His BAC was .16

The last time he consumed alcohol was the day he received the DUI.

After discussion, the Board moved to APPROVE Mr. Skillon's technician application on INDEFINITE PROBATION with terms and conditions.

Fanning/Balla, 5/0/0
Motion carries

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

Ryan Herals, Technician App:

Mr. Herals appeared before the Board regarding his technician application and was not represented by counsel.

Leslie Durham, Pharmacist appeared with Mr. Herals. She is the Pharmacist where he is employed.

His sobriety date is January 5, 2013.

He has not been arrested since 2011.

After discussion, the Board moved to APPROVE Mr. Herals' technician application.

Fanning/Landis, 5/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

Jose Agusti, M.D., License No. 01061624B, Cause No. 2019 IBP 0023

Nathan Reese, Ph.T., License No. 67031441A, Cause No. 2018 IBP 0065

Respondent did not appear in person and was not represented by counsel regarding a Proposed Settlement Agreement/Complaint 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 Heather Orbaugh with Accurate Reporting Services.

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

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

Landis/Wall, 5/0/0
Motion carries

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

Andrew Farmer, R.Ph.I., License No. 45021009A, Cause No. 2017 IBP 0065

Respondent did not appear in person and was not represented by counsel regarding a Petition to Withdraw 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 Heather Orbaugh with Accurate Reporting Services.

Mr. Weber informed the Board that he spoke with Mr. Farmer last week and he was not aware of this hearing. He gave Mr. Farmer the Board's contact information.

After discussion, the Board moved to RESCHEDULE this matter.

Landis/Wall, 5/0/0
Motion carries

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

Michael Steveley, P.A., License No. 10001746B, Cause No. 2019 IBP 0022

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause/Reinstatement of Suspended Registration 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.

Mr. Steveley informed the Board that he feels it was a clerical error that he didn't have a supervising physician agreement on file.

He found out when he went to renew his DEA that he didn't have a supervising physician listed on his license. He is also under a five (5) year MOU with DEA for writing prescriptions for friends and family. He was also disciplined for this by the Physicians Assistant Committee back in 2015. They placed his license on Indefinite Probation which was lifted by the Committee in 2017.

Respondent Exhibit's:

- 1 – Agreement with Dr. Vanderbosch
- 2 – Agreement with Dr. Garcia-Ortiz
- 3 – Agreement with Dr. Elzay

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 Mr. Steveley's CSR reinstatement.

Fanning/Wall, 5/0/0
Motion carries

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

Eric T'Chaptchet, M.D., License No. 01060475C, Cause No. 2019 IBP 0001

Respondent appeared in person and was represented by counsel, Brian Pierce regarding an Order to Show Cause/Reinstatement of Suspended Registration 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 Heather Orbaugh with Accurate Reporting Services.

Lisa Scroggins and Dr. Michael Person were sworn in as a witnesses for the Respondent.

Dr. T'Chaptchet's license in Illinois has been suspended due to Medicare/Medicaid billing issues. He still has a total of \$180,000 to pay back. The Indiana Medical Board placed his medical license on Indefinite Probation until his debt to Illinois is completely paid off.

His DEA was surrendered for cause in January 2019 for writing approximately three (3) prescriptions without an active license. By process of law, his Controlled Substances Registration was also placed on suspension.

Dr. Person's testified he is the CMO with the facility in which Dr. T'Chaptchet is employed and he has no concerns with his prescribing and practice.

Ms. Scroggins owns the facility that Dr. T'Chaptchet is employed and they provide services to Jails in Indiana. She makes sure he is in compliance with his board orders.

Respondent's Exhibit:
1 – DEA/CSR information

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. T'Chaptchet's CSR on INDEFINITE PROBATION with terms and conditions.

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:

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

Emmylou Melton, R.Ph., License No. 26024816A, Cause No. 2018 IBP 0056

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

Terry Harman, Ph.D., LCAC, LMHC, LMFT, Program Director Indiana Professionals Recovery Program was sworn in as a witness for the State.

Mr. Harman testified that Ms. Melton never officially entered the IPRP program.

Ms. Melton informed the Board that she is trying to get back on track. She lost her employment when she submitted her probationary order to her employer. The last day she worked in a pharmacy was October 27, 2018.

She indicated that she is seeing a therapist for anxiety and depression.

Respondents Exhibit's:

- 1 – Text message and Volunteer time sheet
- 2 – Self-reflection report
- 3 – Volunteer Time sheet

After discussion, the Board found that she has violated terms B, F, K, J, N, M of her probationary order.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Mark Smosna, Matt Balla, Winnie Landis, Donna Wall, Del Fanning
The following board members voted nay: none
The following board members abstained: 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 restart her INDEFINITE PROBATION and modified some of the terms and conditions.

Wall/Landis, 5/0/0
Motion carries

The following board members voted aye:

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

Phillip Simpson, R.Ph., License No. 26023441A, Cause No. 2016 IBP 0061

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Terry Harman, Ph.D., LCAC, LMHC, LMFT, Program Director Indiana Professionals Recovery Program was sworn in as a witness for the State.

Mr. Simpson is not compliant with his IPRP contract. He had two (2) missed check-ins for his UDS and the two he missed he would have been required to go get tested.

His sobriety date is June 1, 2016.

He has had thirteen (13) check-ins and two of those he missed and those two would have been actual tests. He recommends that Mr. Simpson's contract extended to March 2020.

Respondents Exhibit's:

- 1 – Email to Tracy Traut
- 2 – Email to Dr. Harman

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 INDEFINITE PROBATION until April 2020 or when his criminal probation is completed or whichever is latest.

Wall/Landis, 5/0/0
Motion carries

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

Yousaf Shaukat, R.Ph., License No. 26022058A, Cause No. 2019 IBP 0003

Respondent appeared in person and was represented by counsel, Edward Holloran regarding a Final 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 Heather Orbaugh with Accurate Reporting Services.

A settlement agreement between the Respondent, his counsel and the Attorney General's

Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and TWELVE (12) HOURS OF CE.

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

Landis/Wall, 5/0/0
Motion carries

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

Shawntelle Morris, Ph.T., License No. 67021660A, Cause No. 2018 IBP 0032

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default/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 Heather Orbaugh with Accurate Reporting Services.

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

Fanning/Wall, 5/0/0
Motion carries

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

Ms. Morris was convicted of Felony 3: Dealing in a Schedule IV Controlled Substance with weight at least 28 grams.

She was sentenced to 2,190 days in the Indiana Department of Corrections, zero day's credit, 1,095 days suspended. Balance may be served on Hendricks County home detention.

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

Wall/Balla, 5/0/0
Motion carries

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

Richard Sarna, R.Ph., License No. 26025399A, Cause No. 2018 IBP 0023

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default/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 Heather Orbaugh with Accurate Reporting Services.

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

Fanning/Landis, 5/0/0
Motion carries

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

The Respondent has tested positive for Cocaine and has multiple drug issues including diversion.

States Exhibit's:

- A – Court documents
- B – Walgreens employee records
- C – CVS employee records
- D – CVS employee records
- E – IPLA file
- F1 – Drug Screens
- F – Employee record with Quality Care Pharmacy

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

Fanning/Wall, 5/0/0
Motion carries

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

Charley Yancey, Ph.T., License No. 67023489A, Cause No. 2019 IBP 0013

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default/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 Heather Orbaugh with Accurate Reporting Services.

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

Fanning/Landis, 5/0/0
Motion carries

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

Ms. Yancey was terminated from Marsh for stealing groceries and store merchandise as well as several bottles of controlled substances from the pharmacy.

Muncie Police arrested the Respondent after finding the following medications on her person:

- One (1) sealed bottle labeled Buprenorphine 8mg;
- One (1) sealed bottle labeled Lorazepam 2mg;
- One (1) sealed bottle labeled Phentermine;
- Seven (7) Acetaminophen and Hydrocodone Bitartrate tablets;
- Three (3) Adderall XR 10 mc capsules;
- Sixty-Six (66) Alprazolam 2 mg tablets;
- Two (2) Alprazolam .5 mg tablets; and
- Two (2) Alprazolam (1) mg tablets

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

Fanning/Wall, 5/0/0
Motion carries

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

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

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

On April 6, 2019 the Respondent was arrested for diverting Alprazolam and Lorazepam, a controlled substance listed in Schedule IV.

She was charged with Possession of a Controlled Substance a Class A Misdemeanor and Theft a Class A Misdemeanor.

States Exhibit:

A – Charging documents

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

Fanning/Balla, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Matt Balla, Winnie Landis, Donna Wall, Del Fanning

The following board members voted nay: none

The following board members abstained: none

Salem Apothecary, License No. 60003161A, Cause No. 2019 IBP 0028

Respondent appeared in person by Rebecca Marshall, R.Ph., PIC and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Melissa Gresham, Compliance Officer was sworn in as a witness for the State.

Melissa testified that the owner and pharmacist in charge, Rebecca Marshall has failed to correct issues that have been pointed on multiple inspections.

On June 2, 2014 after an inspection, they were put on a corrective action plan. On January 26, 2016 after an inspection, they were again placed on a corrective action plan. On June 6, 2016 they passed their inspection.

On August 16, 2018, Ms. Gresham completed a routine inspection of Salem Apothecary and due to all the issues it was a failed inspection. Ms. Gresham and Mr. Eldridge

returned on May 8, 2019 to check the issues from the 2018 inspection report and the corrective action plan that was submitted regarding the issues. They still were not in compliance.

There were approximately thirty-six (36) expired medications on the shelf dating back as far as October 2003. The temperature logs were supposed to be documented twice daily and some days it wasn't done at all. They show on their website that they do flu shots and immunizations, but Ms. Marshall couldn't produce a current policy regarding this. She didn't have a copy of her current CPR card.

Ms. Marshall indicated that she has a service that comes in twice a year to pull expired medications from the shelves. She indicated she doesn't feel that expired medications are a critical issue.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for sixty (60) days.

Landis/Balla, 4/0/1 with Ms. Wall abstaining
Motion carries

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

DISCUSSION

INSPECT:

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

Inspect Progress Report 2017 – 2018:

- Patient requests through the INSPECT web portal
 - Patient Rx history requests by Indiana users
2017 – 2,697,850 2018 – 5,092,777 Increase of 89%
- INSPECT Registered Prescribers
 - Active INSPECT users with a valid CSR
2017 – 15,147 2019 – 26,184 Increase of 73%
- Prescribed by Indiana Physicians
 - All controlled substances prescribed by IN practitioners
2017 – 12,631,265 2018 – 11,862,169 Decrease of 6%
 - Opiates prescribed by IN practitioner

2017 – 5,520,212 2018 – 4,896,346 Decrease of 11%

- Dispensed by Indiana Pharmacies

- All controlled substances dispensed

2017 – 13,431,572 2018 – 12,574,706 Decrease of 6%

- Opiates dispensed

2017 – 5,839,385 2018 – 5,150,470 Decrease of 12%

- Opioid MMEs dispensed

2017 – 4,709,479,555 2018 – 3,944,376,217 Decrease of 16%

- Opiate quantity dispensed

2017 – 826,023,854 2018 – 736,786,076 Decrease of 11%

The Board thanked Ms. Slusser for her report.

Zaneta Nunnally – Compliance Director – Report:

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

Ms. Nunnally reported the following:

- 95 inspections were performed for the month of April
- 54 Pharmacies
- 08 Home Medical Equipment Facilities
- 33 Controlled Substance Registrations
- 17 deficiencies were found
- 09 consumer complaints filed
- 03 Pharmacy robberies

Ms. Nunnally informed the Board that she and Tim Thomas, Compliance Officer conducted their first inspection using the Blueprint Inspection Form from NABP. The inspection took a bit longer due to the new form and requirements but it went well.

The Board thanked Ms. Nunnally for her report.

NABP Annual Meeting – review of proposed resolutions:

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

Mr. Covington provided a copy of the proposed resolutions and requested if any of the board members has any comments regarding any of the resolutions to email Mark Smosna regarding it as he is the delegate who will cast the vote for Indiana.

License Surrender – Darren Covington. Board Director:

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph.,

Donna Wall, R.Ph., Winnie Landis, R.Ph.

Mr. Covington informed the Board that the following physician(s) would like to surrender their controlled substance registration as they do not use them.

Maggie Park, P.A., License #
10001752B

After discussion, the Board moved to ACCEPT their requests to surrender their CSR's.

Fanning/Balla, 5/0/0
Motion carries

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

Emergency Drug Scheduling of Synthetic Drugs:

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

The Board considered an emergency rule that temporarily amends 856 IAC 2-2-2 to add synthetic drug compounds to Schedule I.

The Board moved to ADOPT the emergency Rule adding the following to the Synthetic Drugs list:

- a. ethyl 2-(1-(5-fluoropentyl)-1Hindazole-3-carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-EDMB-PINACA)
- b. methyl 2-(1-(5- fluoropentyl)-1H-indole-3- carboxamido)-3,3-dimethylbutanoate (trivial name: 5F-MDMB-PICA)
- c. N- (adamantan-1-yl)-1-(4-fluorobenzyl)-1Hindazole-3-carboxamide (trivial names: FUB-AKB48; FUB-APINACA; AKB48 N- (4-FLUOROBENZYL))
- d. 1-(5- fluoropentyl)-N-(2-phenylpropan-2-yl)- 1H-indazole-3-carboxamide (trivial names: 5F-CUMYL-PINACA; SGT-25)
- e. (1-(4-fluorobenzyl)-1H-indol-3- yl)(2,2,3,3-tetramethylcyclopropyl) methanone (trivial name: FUB-144)
- f. Cyclopropyl fentanyl

Balla/Fanning, 5/0/0
Motion carries

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