

INDIANA BOARD OF PHARMACY

Met THROUGH VIDEO and AUDIO CONFERENCING

Option 1 - JOIN via VIDEO CONFERENCING by visiting:
<https://IndianaEnhanced.Webex.com/join/PLAWebex>

Option 2- JOIN via AUDIO CONFERENCING by dialing:
(240) 454-0887 and entering meeting room # 610 915 440

MINUTES OF MAY 11, 2020

Matt Balla, R.Ph., President, called the meeting to order at 1:05 p.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted on line 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: Matt Balla, R.Ph., President
Mark Smosna, R.Ph., Member
Donna Wall, R.Ph., Member
Steven Anderson, R.Ph., Vice President
Winnie Landis, R.Ph.,
Del Fanning, R.Ph., Member

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

The Board voted by roll call to adopt the amended agenda.

Landis/Smosna, 6/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

Terri Robbins, Ph.T., License No. 67026641A, Cause No. 2019 IBP 0078

Respondent did not appear telephonically or in person 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Landis, 6/0/0
Motion carries

The following board members voted aye by roll call:

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

The following board members voted nay: none

The following board members abstained: none

The Board further moved to file a complaint on the Pharmacy.

Anderson/Fanning, 6/0/0
Motion carries

The following board members voted aye by roll call:

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

The following board members voted nay: none

The following board members abstained: none

Mohammad Arifee, Ph.T., License No. 67032250A, Cause No 2020 IBP 0009

Respondent did not appear telephonically or in person 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, Margie Addington with Accurate Reporting Services also appeared telephonically.

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement consisted of an agreed 90 day SUMMARY SUSPENSION EXTENSION.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board voted by roll call to ACCEPT the Settlement Agreement.

Smosna/Landis, 6/0/0
Motion carries

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

PERSONAL APPEARANCES

Fishers Surgery Center – Surgery Center Controlled Substance Registration App:
Tiffany Anderson appeared telephonically on behalf of Fishers Surgery Center.

Ms. Anderson explained to the Board that they successfully operate a surgery center like this in Muncie.

The Medication Inventory Nurse will open and have access to the cabinet and will sign the medication sheet. The Physician does not have access.

They will do quarterly audits like they do at the Muncie facility. They do not dispense discharge medications.

After discussion, the Board voted by roll call to APPROVE Fishers Surgery Center CSR application.

Smosna/Wall, 6/0/0
Motion carries

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

Susan Thurnall Storm, R.Ph., License No. 26015800A – License Renewal:

Ms. Storm appeared telephonically and was not represented by counsel regarding a positive response on her renewal application.

Let the record reflect that Winnie Landis recused herself from this matter and muted her participation in the meeting.

In 2018 Ms. Storm was employed with CVS, where she was caught diverting drugs. A front store employee saw the person put a pill in their mouth. She told Ms. Storm and Ms. Storm proceeded to look the person up in INSPECT. She was then terminated for violating the INSPECT rules. State law says you cannot look up anyone other than

someone that was a patient.

After discussion, the Board voted by roll call to RENEW and FILE A COMPLAINT.

Anderson/Wall, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Matt Balla, Mark Smosna, Del Fanning, Donna Wall
The following board members voted nay: none
The following board members abstained: none

There being no further business the Board adjourned at 1:55 p.m.

Matt Balla, R.Ph., President

Steve Anderson, R.Ph., Vice President

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MINUTES OF JUNE 8, 2020

Steve Anderson, R.Ph., Vice President, called the meeting to order at 9:10 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted on line 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: Steven Anderson, R.Ph., Vice President
Mark Smosna, R.Ph., Member
Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Member

Member(s) Absent: Matt Balla, R.Ph., President
Del Fanning, R.Ph., Member

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

The Board voted by roll call to adopt the amended agenda.

Wall/Smosna, 4/0/0
Motion carries

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

The Board voted by roll call to approve the March 9, April 13 and April 29, 2020 minutes as written.

Smosna/Landis, 4/0/0
Motion carries

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

FULL BOARD APPEARANCES

Brad Ray, Ph.D., Associate Professor, Wayne State University – INSPECT Data Request:

Dr. Ray appeared virtually regarding his request for INSPECT Data. He is the Director of the Center for Behavioral Health and Justice at Wayne State University and he has funding from CDC (through ISDH) to develop and examine novel approaches to overdose surveillance data. He works closely with the Indiana Management Performance Hub (MPH) who conducts the necessary record linkage between disparate statewide data sets, removes identifying information, and then provides the data to him in a secure Enhanced Research Environment (ERE). Within the ERE he is able to conduct statistical analysis and then seek permission (from MPH) to remove the analysis for write-up. This approach provides top-notch data security and assures that no individual information is ever seen or disseminated.

For this project he is requesting approval to share the INSPECT data with ISDH. What this means is that MPH will access the INSPECT and ISDH datasets (which includes vital records and toxicology data) for record linkage and then provide the non-identifiable information to him through the ERE for subsequent analysis. His goal in this project is to use the ISDH and INSPECT data to determine the role, if any, of dispensed prescription medications among accidental drug overdose deaths and whether there are patterns over time and space with overlaps in the data. Preliminary data suggest that less than 6% of those who die from an accidental drug overdose death die from a substance that was dispensed through INSPECT; in fact, most individuals die from illicit or diverted substances. Only his linking INSPECT and ISDH data can we examine this pattern statewide. He has prior experience working with the linked INSPECT data with MPH and would continue to defer to them on data governance concerns.

After discussion the Board voted by roll call to APPROVE his request for INSPECT DATA and requested he report back to the board in six (6) months.

Smosna/Wall, 4/0/0
Motion carries

The following board members voted aye by roll call:
Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

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

PERSONAL APPEARANCES

The following did not appear for their scheduled personal appearance:

- **Denise Core – Technician in Training Application – Positive Response**

Heni Patel, R.Ph., Repeat MPJE Application:

Heni Patel appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Emmanuel Embuscado, R.Ph., License No. 26024174A – Renewal Application

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

December 15, 2019 he was charged with a DWI.

On March 5, 2020, the courts placed him on a one (1) year probation with terms and conditions. He attended a twenty (20) hour class at Fairbanks.

In 2009, he had a similar case in Hamilton County.

He indicated he has not had an alcoholic drink since December 15, 2019.

After discussion, the Board voted by roll call to TABLE Mr. Embuscado's license renewal application and requested he obtain an addictionology evaluation with IPRP.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Amy Blogett, R.Ph., License No. 26022928A – Renewal Application

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

While on maternity leave a prescription was released without the patient speaking with the Pharmacist. An updated policy change has been put into place because of this incident.

Later there were issues with the temperature in the refrigerator overnight. They now have a continuous temperature monitoring kit installed in the refrigerator.

After discussion, the Board voted by roll call to APPROVE Ms. Blogett's license renewal.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Tyler Peyton, Technician in Training Application

Mr. Peyton appeared telephonically before the Board and was not represented by counsel regarding a positive response on his initial application.

In 2002, Mr. Peyton received a Felony conviction involving controlled substances.

IC 25-26-19-5 (a)(4)(B) states:

Sec. 5. (a) The board shall issue a pharmacy technician license to an individual who:

(4) has not been convicted of:

- (A) a crime that has a direct bearing upon the individual's ability to practice competently; or
- (B) a felony involving controlled substances;

Mr. Peyton has a Felony conviction involving controlled substances. He indicated he was looking into having the felony expunged from his record.

After discussion, the Board voted by roll call to TABLE Mr. Peyton's application to allow him time to complete the expungement process.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Jasjeet Waraltch, R.Ph., License No. 26027809A – Renewal Application

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

He receive a DUI on November 15, 2019. He was evaluated by IPRP and they determined that he does not meet the criteria for substance use disorder.

He had not have an alcoholic beverage since November 15, 2019.

His court case is still pending at this time.

After discussion, the Board voted by roll call to TABLE Mr. Waraltch's renewal application until he has had his court appearance.

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Nicholas Stout – Technician in Training Application

Mr. Stout appeared telephonically before the Board and was not represented by counsel regarding a positive response on his initial application.

Tracy Trout, MS, Program Director with IPRP appeared telephonically and was sworn in as a witness.

Ms. Trout testified that Mr. Stout did present for intake, which he completed. They requested that he take a Peth Test. He indicated he couldn't afford it so they supplied him with assistance paperwork. He never returned the paperwork and did not do the Peth test.

Between 2015 and 2018, Mr. Stout received three (3) OWI's.

Mr. Stout testified that he is on court probation until September 2020. He started probation with the courts back in 2018. He indicated that he has monthly UDS and all have been negative.

Tracy indicated the cost is \$150 for the evaluation, plus \$50 month, plus the cost of the UDI's (\$42.00 for 13 panel), plus \$10 to \$25 for the lab fee. They do have an assistance program that pays for half (1/2) the cost of the drug screen fee for the 13 panel.

After discussion, the Board voted by roll call to TABLE Mr. Stout's application for additional information. They requested a letter from his Probation Officer complete with

drug screens and when the probation ends. Also, if he can to obtain copies of the drug screens.

Wall/Smosna, 4/0/0
Motion Carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Mary Bennett, Ph.T., License No. 67004004A – Renewal Application

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

March 25, 2020 Ms. Bennett was arrested for an OWI. Her hearing is scheduled in October 2002.

In September, her husband passed away and as of June 15th CVS bought the pharmacy she was employed with and they terminated her employ.

After discussion, the Board voted by roll call to TABLE Ms. Bennett's renewal application for her hearing.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Heather Anderson – Technician in Training Application

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

Tracy Trout, MS, Program Director with IPRP appeared telephonically and was sworn in as a witness.

Ms. Trout testified that Ms. Anderson did an intake on May 5, 2020 and is currently in monitoring with IPRP. Ms. Anderson testified that she is aware of the fees for the program.

From 2009 to 20014 Ms. Anderson received two (2) DUI's. Her probation was completed in 2016.

Her sobriety date is in 2014 and both her C.N.A and HFA licenses are active.

After discussion, the Board voted by roll call to APPROVE Ms. Anderson's initial application.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Monalisa Maketiwa, R.Ph., License No. 26027881A – Reinstatement Renewal Application

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

Ms. Maketiwa informed the Board that the Kentucky Board required her to pay a \$500 fine and was required to do six (6) hours of CE after making a medication error.

After discussion, the Board voted by roll call to APPROVE Ms. Maketiwa's reinstatement renewal application.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Brian Lapaglia, Ph.T., License 67027435A – Renewal Application

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

In 2019 he entered a deferral program for possession of Marijuana. The deferral program ends September 9, 2020.

After discussion, the Board voted by roll call to TABLE Mr. Lapaglia's renewal application until he completes his deferral program.

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Nicole Leek – Technician in Training Application

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

Ms. Leek informed the Board that she completed her pretrial diversion program in February 2020. She also stated in October 2017 she overdosed on medication due to an addiction.

She also stated she used Heroin for a while, then went into treatment with Frontline. She has been clean from drugs since 2017, but continues to drink alcohol about once a month.

After discussion, the Board voted by roll call to TABLE Ms. Leek's initial application for her to obtain an evaluation with IPRP and to obtain a letter from Frontline and her counselor.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

- **Michael Love, M.D., License No. 01048505B, Cause No. 2017 IBP 0086**
- **Richard Cristea, M.D., License No. 01037934B, Cause No. 2020 IBP 0005**

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

Respondent did not appear telephonically or in person 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
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 or in person 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
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 or in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Erica Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Heather Williams, Ph.T., License No. 67031532A, Cause No. 2019 IBP 0038

Respondent did not appear telephonically or in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Erica Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
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 or in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Erica Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Emili Hefler, Ph.T., License No. 67027455A, Cause No. 2020 IBP 0001

Respondent did not appear telephonically or in person and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

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

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

Respondent did not appear telephonically or in person 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

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

Respondent did not appear telephonically or in person 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Christopher Wagner, Ph.T., License No. 67009920A, Cause No. 2017 IBP 0002

Respondent did not appear telephonically or in person 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

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

Respondent initially appeared telephonically but was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Melinda Pickett, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

The Board then provided Ms. Carson time to call counsel.

After discussion, the Board voted by roll call to TABLE this matter until the end of the day.

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

This matter reconvened at 2:58 p.m. and Ms. Carson did not appear telephonically or in person and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Melinda Pickett, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

Ms. Carson was terminated for diverting over 800 tablets which she was taking herself and selling them on the streets.

States Exhibits:

- A – Certified criminal documents
- B – Chronological case summary

A question regarding notice was called into review. After reviewing the notice information the Board voted by roll call that NOTICE was SUFFICIENT.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board voted by roll call to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Landis/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Walgreens #6733, License No. 60005645A, Cause No. 2020 IBP 0017

Respondent did not appear telephonically or in person and was not represented by counsel regarding a Final 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, Margie Addington with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Mark Smosna worked with the PIC from this store over twenty (20) years ago. Both the State and the Board agreed that he could participate in this matter.

A proposed settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included a LETTER OF REPRIMAND.

After reviewing the proposed settlement agreement, having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board voted by roll call DENY the proposed settlement agreement.

Wall/Anderson, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Kristopher Conner, Ph.T., License 67018451A, Cause No. 2019 IBP 0027

Respondent did not appear telephonically or in person 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, Margie Addington 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 voted by roll call to hold the Respondent's license in DEFAULT.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

Mr. Eldridge reminded the Board regarding the charges that placed the Respondent's license on Summary Suspension:

On March 19, 2019, Respondent was charged with Child Molesting, Class A Felony; and three (3) counts of Rape, Level 3 Felony, in Vanderburgh County, Indiana under Cause No. 82C01-1903-FA-001939.

The Probable Cause Affidavit alleged: Respondent, K.C.'s stepfather, had been molesting her since she was 13, and on occasion had threatened to harm her family or ruin her life by releasing photos and videos he had taken during the molestations and rapes.

On one or more occasions, Respondent came into K.C.'s room with a knife and told her that if she didn't follow him he would hurt her sister. He then had sexual intercourse with her. K.C. stated these sexual encounters continued about once every other week.

The police recorded a phone conversation in 2019 between Respondent and K.C., where Respondent begged K.C. to not get the police involved. Also, Respondent threatened suicide and blamed K.C. for reporting.

On May 13, 2019, Respondent was charged with Child Exploitation, Level 5 Felony; and Possession of Child Pornography, Level 6 Felony, in Vanderburgh County, Indiana under Cause No. 82C01-I 905-F5-003299. The Probable Cause Affidavit alleged, during the execution of a search warrant, a Seagate hard drive was found within a seized computer tower. The Forensic Computer examiner found twelve (12) thumbnails and two (2) full size pictures.

On April 18, 2019, K.C. viewed these pictures. These photos depicted what appeared to be a female getting undressed and dressed. It appeared the female did not know that the

nude photos were being taken. K.C. said that the photos were not of her, but they were taken in her room. K.C. said she believed the photos were of her friend S.Y.

K.C. said that S.Y. had not been at her home since S.Y.'s sophomore year, and S.Y. was a year younger than K.C.. S.Y. identified herself as the female in the pictures.

On June 6, 2019, Respondent was charged with additional crimes under Cause No. 82C01-1903-FA-001939. These charges included: Child Molesting, Class A Felony; Child Molesting, Class C Felony; Sexual Misconduct with a Minor, Class B Felony; Child Solicitation, a Class D Felony; Sexual Misconduct with a Minor, Level 4 Felony; Child Solicitation, Level 5 Felony; Child Seduction, Level 5 Felony; Rape, Level 3 Felony; Invasion of Privacy, a Class 1 Misdemeanor; and Obstruction of Justice, a Level 6 Felony.

On July 9, 2019, Respondent was charged with an additional count of Child Seduction, Level 5 Felony, under Cause No. 82C01-1903-FA-001939.

On August 21, 2019, Respondent pled guilty to two (2) counts of Child Seduction, Level 5 Felony; and one (1) count of Invasion of Privacy, a Class A Misdemeanor, in Vanderburgh County, Indiana under Cause No. 82C01-1903-FA-001939. All other charges were dismissed. Respondent was required to register as a Sex Offender and have no contact with K.C.

Also, on August 21, 2019, Respondent pled guilty to Child Exploitation, Level 5 Felony; and Possession of Child Pornography, Level 6 Felony, in Vanderburgh County, Indiana under Cause No. 82C01-1905-F5-003299. Respondent was required to register as a Sex Offender and have no contact with S. Y.

In Cause No. 82C01-1903-FA-001939, Respondent was sentenced to six (6) years incarceration for one count of Level 5 Felony Child Exploitation; five (5) years and 182 days for the other count of Level 5 Felony Child Exploitation, and one (1) year incarceration for Class A Misdemeanor Invasion of Privacy. All of those sentences were ordered to be served concurrently.

In Cause No. 82C01-1905-F5-003299, Respondent was sentenced to six (6) years' incarceration for the Level 5 Felony Child Exploitation, and two (2) years and 182 days incarceration for the 3 Level 6 Felony Possession of Child Pornography, to be served concurrently with each other. The sentences on the two cases were ordered to be served consecutive to each other.

States Exhibits:

A – Chronological Case Summary

B – Chronological Case Summary

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

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

St. Simon Pharmacy, License No. 64002267A, Cause No. 2019 IBP 0077

Respondent did not appear telephonically or in person and was not represented by counsel regarding a Default Hearing 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, Margie Addington 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 voted by roll call to hold the Respondent's license in DEFAULT.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

A patient was sent a prescription from St. Simon Pharmacy that had not been prescribed to him by his Physician.

States Exhibits:

- A – Affidavit of Melissa Franiak, A.P.N.
- B – BBB rating report
- C – Florida license expired since 2015/Marked closed


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

Wall/Landis, 4/0/0
Motion carries

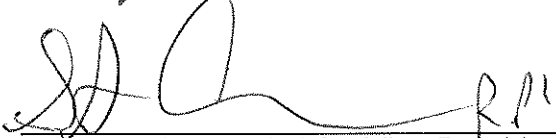
Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna
The following board members objected: none
The following board members abstained: none

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

There being no further business the Board adjourned at 3:17 p.m.



Matt Balla, R.Ph., President



Steve Anderson, R.Ph., Vice President

DISCUSSION

Kelley Branchfield, R.Ph., License No. 26017946A – Non Compliant with IPRP

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

The Board received a letter from IPRP that Ms. Branchfield was non-compliant with her IPRP contract as she had a positive UDS which showed a medication for which she did not have a prescription on file with IPRP.

After this matter was scheduled before the Board, IPRP received said prescription from Ms. Branchfield's physician. She is now fully compliant with her IPRP contract.

Sylvia Mustonen, D.O., 02003956B – Retire CSR & Enrique Beckman, M.D., 01062984C:

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

The above Physician's do not use their controlled substance registrations, therefore they are requesting to "retire" their CSR so they do not have to register with INSPECT.

After discussion, the Board voted by roll call to APPROVE Dr. Mustonen's & Dr. Beckman's request to retire their CSR's.

Smosna/Wall, 4/0/0

Emergency Drug Scheduling of Synthetic Drugs:

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

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

It has a high potential for abuse and no medical use.

The Board voted by roll call to ADOPT the emergency Rule adding the following to the Synthetic Drugs list:

- a. MDMB-4EN-PINACA

Wall/Landis, 4/0/0
Motion carries

The following board members voted aye:
Donna Wall, Steve Anderson, Winnie Landis, Mark Smosna