

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

MINUTES OF JULY 10, 2017

Steve Anderson, R.Ph., President, called the meeting to order at 8:39 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: Steve Anderson, R.Ph., President
John Wilson, J.D., Consumer Member
Mark Smosna, R.Ph., Member (left 4p.m.)
Kristal Williams, R.Ph., Member
Donna Wall, R.Ph., Member

Member Absent: Winnie Landis, R.Ph., Vice President
Del Fanning, R.Ph., Member

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

The Board voted to adopt the agenda as amended.

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Smosna/Williams, 4/0/0
Motion carries

The Board voted to adopt the minutes from the June 12, 2017 meeting.

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Wall/Wilson, 5/0/0
Motion carries

Steve Anderson, R.Ph., Board President recognized and thanked Kristal Williams, R.Ph. for her service with the Board. Ms. Williams resigned to return to Maryland to be with family.

FULL BOARD APPEARANCES

Randy Hitchens, R.Ph., Indiana Pharmacist Alliance:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

Mr. Hitchens informed the Board that IPA has been doing a lot of rebranding the last two (2) years.

He invited the Board members to attend the annual Indiana Pharmacists Alliance Annual Convention & Business Exchange Expo on September 29 through October 1, 2017.

Ms. Wall stated she felt it would be a good idea if someone from IPA attended all of the Pharmacy Board meetings to assist in keeping the profession up to date on what's going on.

Mr. Smosna stated he would like for IPA to assist with communication to the profession to assist in keeping them updated on what's going on.

Mr. Hitchens indicated he wants to do a rule process document and place it on their website.

Lastly, he informed the Board that he is working with Mr. Covington regarding the PRN program.

The Board thanked him for his presentation.

In-Touch Pharma University – Technician Training Program:

This matter was continued to next month.

Joshua Singletary, R.Ph., Reinstatement of Inactive License:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

Mr. Singletary appeared before the Board last month and the Board requested he submit a copy of his fitness for duty evaluation that was recently completed.

The Board reviewed the evaluation which was positive.

He also submitted the appropriate continuing education certificates.

He indicated that he will be transferring his therapy to Florida and that he has a good system in place to walk away if a depressive situation hits him. He stated he would walk away and seek help like he did this time.

After discussion, the Board moved to APPROVE his request to change his license back to ACTIVE STATUS.

Wall/Smosna, 5/0/0
Motion carries

PROBATIONARY APPEARANCES

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The following made their probationary appearances:

Ryan Manges
Donovan Higgins

PERSONAL APPEARANCES

The following personal appearances were continued to next month:

Tonya McGhee, Technician in Training App
Kristina Finck, Technician in Training App

Dana Barnes, Technician in Training App:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

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

Approximately five (5) years ago Ms. Barnes received two (2) O.W.I.'s in the State of Michigan.

She stated she completed both deferral programs and hasn't been in trouble since. She also stated she no longer drinks.

She currently has a C.N.A. license in Indiana.

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

Wall/Williams, 5/0/0
Motion carries

Darrin Patton, Technician in Training App:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

Mr. Patton appeared before the Board regarding a positive response on his technician in training application and was not represented by counsel.

In 2011, Mr. Patton received another OWI. He went to Meridian Services as part of his diversion program. He continues to go to support group meetings.

His sobriety date is December 2012.

He stated he eventually wants to become a Physician Assistant.

After discussion, the Board moved to APPROVE Mr. Patton's technician in training application.

Smosna/Williams, 5/0/0
Motion carries

Daniel Huelsman, Repeat Exam App – MPJE:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

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

After discussion, the Board moved to APPROVE Mr. Huelsman's request to retake the MPJE.

Wall/Smosna, 5/0/0
Motion carries

Brian Vo, Repeat Exam App – MPJE:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

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

After discussion, the Board moved to APPROVE Mr. Vo's request to retake the MPJE.

Smosna/Wilson, 5/0/0
Motion carries

Shelby Brown, Intern Permit and Pharmacist Exam App:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

Ms. Brown appeared before the Board regarding a positive response on her intern permit and exam applications and was not represented by counsel.

Ms. Brown stated that on July 2, 2016 she received a DWI in Missouri. It is currently pending as she is fighting the charges and are currently in the stage of doing depositions.

She indicated she was parked when she received the DWI, but had been driving and she had a few wine coolers.

In December 2016 she received a second (2nd) DWI. When she was stopped she was asked to take a field sobriety test and she requested to call her attorney. This case is also pending.

She indicated that she currently doesn't drink. Her last alcoholic beverage was on May 20, 2017 at a wedding.

After discussion, the Board moved to APPROVE Ms. Brown's intern permit application on INDEFINITE PROBATION with terms and conditions.

The Board further moved to APPROVE Ms. Brown to take both the MPJE and NAPLEX exams, but cannot be issued her pharmacist license until she appears before the Board again with an addictionology evaluation.

Wall/Smosna, 5/0/0
Motion carries

Pharmacy Corporation of America d/b/a Ppharmerica, Three Remote Location

Apps:

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D

Anne Manship, R.Ph., Pharmacy Operations Manager and PIC and Rob Kulak, R.Ph., Pharmacy Director both appeared on behalf of this matter.

All remote location facilities will utilize the first dose cabinets, which were approved by the board approximately four (4) years ago.

The remote locations are skilled nursing facilities and the first dose cabinets will be used for emergent needs only. They will contain controlled substances.

A pharmacist or pharmacy technician will be responsible for filling the machine with the medication.

After discussion, the Board moved to APPROVE all three (3) remote location apps.

Smosna/Wilson, 5/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following administrative hearings were continued:

Adam Arnold, R.Ph., License No. 26024999A, Cause No. 2017 IBP 0015
Genoa, A QOL Healthcare Company, LLC, License Pending, Cause No. 2017 IBP 0027
Stacey Kaiser R.Ph., License No. 26021450A, Cause No. 2016 IBP 0081

Tracy Bair, P.T.I.T., License No. 99076130A, Cause No.2017 IBP 0007

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The respondent's license was placed on summary suspension as she admitted to diverting medications from her place of employment.

She is currently being charged with Felonies and her trial is scheduled to begin on August 8, 2017.

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

Wilson/Smosna, 5/0/0
Motion carries

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

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of the SUMMARY SUSPENSION for ninety (90) days.

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

Wilson/Williams, 5/0/0
Motion carries

Custom Plus Pharmacy, LLC, License No. 60006301A, Cause No. 2015 IBP 0054

Respondent did appear in person and was represented by counsel, Randall Fearnow regarding a Disciplinary Hearing and Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Amelia Hilliker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ben Rachwal appeared on behalf of Custom Plus Pharmacy.

A settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and TEN (10) HOURS OF CE regarding Compounding Regulations for everyone in the pharmacy that compounds.

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

Smosna/Williams, 5/0/0
Motion carries

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

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Paul Elmer was federally indicted for issues related to drug distribution at Pharmakon.

The Respondent's attorney, David McNamar was sworn in to testify on behalf of the Respondent.

He stated that he has been Mr. Elmer's attorney for twenty (20) years. He also stated that Mr. Elmer could not be at the hearing as he was released from the Hospital this past Friday and could not fly.

States Exhibit:

A – Copy of Federal Indictment

Respondents Exhibit:

1 – Copy of letter from Dr. Sardo

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

Williams/Wall, 4/0/0
Motion carries

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

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of SUMMARY SUSPENSION for a period of ninety (90) days.

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

Wilson/Smosna, 5/0/0
Motion carries

Hook-SuperX, LLC d/b/a CVS/pharmacy #6749, License No. 60004754A, Cause No. 2017 IBP 0014

Respondent did appear in person and was represented by counsel, Harold Hilborn regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION for a period of one (1) year with terms and conditions.

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

Wilson/Smosna, 5/0/0
Motion carries

Hook-SuperX, LLC d/b/a CVS/pharmacy #6648, License No. 60004634A, Cause No. 2017 IBP 0017

Respondent did appear in person and was represented by counsel, Harold Hilborn regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE PROBATION for a period of one (1) year with terms and conditions.

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

Smosna/Williams, 5/0/0
Motion carries

Rhonda Hoch, APN, License Pending, Cause No. 2017 IBP 0031

Respondent did appear in person and was represented by counsel, David McNamara regarding an Order to Show Cause/CSR Application scheduled before the Board. The State of Indiana was represented by Amelia Hillker, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Hoch did home care with hospice patients. One of her patients passed away and she collected all the medications including duragesic patches containing fentanyl. She put the medication in the trunk of her car and proceeded to go home versus taking the medication back to the facility.

She later found that her Husband had stolen the duragesic patches from her car.

She was then terminated by her employer, Parkview for not reporting the theft. She indicated she had not reported it as she was trying to get the medication back from her Husband so she could turn it in to Parkview.

She received counseling with her Pastor for three (3) to four (4) months after this happened.

No criminal charges were filed.

She also informed the Board that she appeared before the Nursing Board on the same facts and they approved her license on Indefinite Probation and she will be able to request the withdraw of the probation this coming August.

Respondents Exhibits

- 1 - Allen Superior Court – Complaint
- 2 – Deposition of ISP Detective Andrew Mills
- 3 – Deposition of ISP Trooper (Senior) Brian Hoffman
- 4 – Indiana State Police Responses to Plaintiff's Request for Production of documents
- 5 – Scene Processing Narrative
- 6 – Scene Processing Narrative
- 7 – Scene Processing Narrative
- 8 – Email from M/Tpr. Brian Hoffman
- 9 – Email from Wade Fromholt, Investigator Allen Co Prosecuting Attorney's Office
- 10 – Petition for dissolution of marriage
- 11 – Transcript
- 12 – Letter from Parkview
- 13 – Nursing essay from Rhonda Hoffman
- 14 – Three letters of Reference
- 15 – Six letters of Reference
- 16 – Two letter from Ms. Hoffman's sisters
- 17 – Obituary of Donald Ellis
- 18 – Nursing Board Order dated May 26, 2016
- 19 – Letter from Mary Yaggy , Extended Care Specialists
- 20 – Rhonda Hoch's CV

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

Williams/Wall, 4/0/0
Motion carries

KPaul Medical Supply, License No. 48002125A, Cause No. 2014 IBP 0074

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Darren Covington, Board Director was sworn in as a witness.

KPaul was issued a provisional license on Indefinite Probation back in 2013 in order to give them time to obtain VAWD accreditation.

Karen Chicas appeared on behalf of KPaul Medical Supply.

KPaul appeared before the Board in March 2017 and at that time the Board gave them three (3) months to get their VAWD accreditation.

Ms. Chicas indicated they hired Five Rivers Consulting group to assist them in obtaining VAWD accreditation. They currently do not have a VAWD application pending with NABP.

Mr. Covington stated he spoke with Bill Cover, NABP this past Friday and Mr. Cover confirmed that NABP has cancelled KPaul's VAWD application. He also indicated this is the fifth (5th) time they have applied and that in reviewing the policies and procedures of KPaul it shows they do not have a fundamental understanding of the knowledge of the business and how it's run.

Respondent's Exhibit

1 – Copies of emails from NABP

After having considered the evidence presented, testimony of the witness and taking it's file into consideration the Board moved to place the Respondent's license on INDEFINITE SUSPENSION.

Wall/Williams, 5/0/0
Motion carries

Medisca, Inc., License No. 48000684A, Cause No. 2013 IBP 0103

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 not represented by counsel and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Respondent previously contacted Mr. Covington by email letting the Board know that they were stuck in Chicago and would like to request a continuance of this matter.

After discussion, the Board moved to CONTINUE this matter until next month.

Wall/Wilson, 5/0/0
Motion carries

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

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Ms. Oliver informed the Board that the Respondent admitted to diverting medications that she then sold to another person.

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

Smosna/Wilson, 5/0/0
Motion carries

Randi Pratt, Ph.T., License No. 67013344A, Cause No. 2017 IBP 0008

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Respondent previously admitted to diverting tramadol.

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

Williams/Wilson, 5/0/0
Motion carries

Precision Pharmacy, License No. 64000128A, Cause No. 2015 IBP 0045

Respondent did 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 Stacey Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Mark Smosna, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

Rachel Taggs, R.Ph., Compliance Officer and Shawna Doherty, R.Ph., PIC appeared on behalf of Precision Pharmacy.

Ms. Taggs informed the Board that she was hired in 2009 right after the inspection took place that placed the facilities license on probation in California. She submitted a copy of a letter from California which stated the probation was lifted February 11, 2017.

Ms. Doherty began her employment with the company in 2011.

Respondent Exhibit:

1 – Copy of letter from CA

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Wilson/Williams, 5/0/0
Motion carries

Tri-Coast Pharmacy, License No. 64001261A, Cause No. 2017 IBP 0038

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

The Respondent's license in Florida has been placed on Emergency Suspension. They were engaged in compounding high-risk level compounding sterile products.

Around November 2016, the FDA announced that Tri-Coast was voluntarily recalling all sterile products prepared between, May 17, 2016 through November 17, 2016, due to concern over lack of sterility assurance.

Subsequent to the announcement and the publication of the recalled lots, Pharmetics, the entity that performed sterility testing for Tri-Coast, became aware that the recall included lots that failed sterility testing at Pharmetics.

States Exhibit:

A – Copy of Florida orders

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

Wilson/Williams, 4/0/0
Motion carries

Samantha Beaver, Ph.T., License No. 67028131A, Cause No. 2017 IBP 0001

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Wall/Wilson, 4/0/0
Motion carries

The Respondent's license was previously placed on Summary Suspension as she admitted to diverting from her employer, CVS. She admitted she took the medication for her personal consumption.

States Exhibit:

4 – Certified copies of Criminal Documents

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Wall/Williams, 4/0/0
Motion carries

Brittany Berkshire, Ph.T., License No. 67028839A, Cause No. 2017 IBP 0006

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Wall/Williams, 4/0/0
Motion carries

The Respondent was charged with six (6) counts as follows:

- Count 1 – Obtaining a controlled substance by fraud or deceit. A level 6 Felony
- Count 2 – Obtaining a controlled substance by fraud or deceit. A level 6 Felony
- Count 3 – Theft. A class A Misdemeanor
- Court 4 – Theft. A class A Misdemeanor
- Court 5 – Possession of a controlled substance. A Class A Misdemeanor
- Court 6 – Possession of a controlled substance. A Class A Misdemeanor

In a plea agreement the Respondent pled guilty to count 1 and count 3. The state agreed to dismiss counts 2,4,5 & 6.

State Exhibit:

3 – Certified Court Documents

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Wall/Wilson, 4/0/0
Motion carries

Chasity Coleman, Ph.T., License No. 67028395A, Cause No. 2016 IBP 0082

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Wall/Williams, 4/0/0
Motion carries

The Respondent was charged with the following:

- 2 counts Interference with Medical Services, a level 5 Felony
- 1 count Possession of a Narcotic Drug, a level 6 Felony
- 2 counts of Theft, a class A Misdemeanor

- 1 count of Possession of a controlled substance, a class A Misdemeanor

State's Exhibit:

A – Criminal records, Wells County, Indiana, Cause No. 90C01-1609-F5-000041

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Wall/Williams, 4/0/0
Motion carries

Tahnee Pattengale, P.T.I.T., License No. 99074690A, Cause No. 2017 IBP 0004

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

The Respondent admitted she diverted controlled substances.

She plead guilty to Theft, a Class A Misdemeanor with judgment of the conviction withheld for 365 days.

States Exhibit:

1 – Statement of Plea Agreement, LaPorte County, Indiana, Cause No. 46D03-1612-CM-2859

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Wall/Williams, 4/0/0
Motion carries

Adam White, Ph.T., License No. 67004771A, Cause No. 2016 IBP 0092

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Kristal Williams, R.Ph., John Wilson, J.D.

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

Williams/Wilson, 4/0/0
Motion carries

The Respondent was charged with the following:

- Obtaining a Controlled Substance by Fraud or Deceit – Misdemeanor
- Obtaining a Controlled Substance by Fraud or Deceit – Level 6 Felony
- Possession of a Narcotic Drug – Level 6 Felony
- Interference with Medical Services – Misdemeanor
- Theft – Misdemeanor

The Respondent pled guilty to Obtaining a Controlled Substance by Fraud or Deceit – Misdemeanor. The other charges were dismissed. The Respondent received 365 days probation.

States Exhibit:

C – Chronological Case Summary

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Wall/Williams, 4/0/0
Motion carries

DISCUSSION

Rules

Pseudephedrine rule update:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

The Notice of Intent was published this month.

Sterile Compounding rule update:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

The following Committee members appeared before the Board to discuss the rule update. Karl Clearwater, Jeff Jackson and Willis Triplett

The Committee presented their proposed changes to Rule 30. The draft did not include a reference to USP 797, but instead set minimal standards with respect to sterile compounding, that would remain in place regardless of changes to USP 797. None of the requirements were more restrictive than USP 797, so that if an entity complied with USP 797 they would also comply with Rule 30. The quality assurance procedures were elucidated more in this draft.

After discussion the Board moved to ACCEPT Rule 30 draft.

Wall/Williams, 5/0/0
Motion carries

INSPECT Report – Kara Slusser, Inspect Director:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Ms. Slusser is working with ISMA to do training for Coroners in the state of Indiana since they now have access to INSPECT.

AWARE will be updated in October 2017.

Ms. Slusser brought forward an idea to have a state sponsored, statewide integration. Apriss can integrate all pharmacies that are ready within a three (3) year period. Ms. Slusser would still need to investigate funding sources. Ms. Slusser is requesting the Board's approval to move forward with the State wide integration proposal.

After discussion, the Board moved to APPROVE Ms. Slusser's request to move forward with the State wide integration proposal.

Wall/Williams, 5/0/0
Motion carries

Zaneta Nunnally – Compliance Director – Report:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Zaneta Nunnally reported the following:

- 114 inspections were performed for the month of June
 - 74 Pharmacies
 - 3 Home Medical Equipment Facilities
 - 37 Controlled Substance Registrations

- 42 deficiencies were found
- 9 consumer complaints filed
- There were no robberies for the month of June; 11 robberies for the year thus far

The Board thanked Ms. Nunnally for her report.

Medication Therapy Management Update:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

The Committee met in June and discussed the scope of practice and who can perform MTM.

They will meet again in August.

Pharmacy Technician apps without a high school diploma or GED:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Two months ago, Mr. White indicated he would check on whether the Board could waive the diploma/GED requirement for technicians. Mr. White advised the Board that it did not have that authority.

Since the Board does not have the authority to waive the high school graduation/GED standards, then everyone applying for a technician application must have proof of their high school graduation or GED.

The Board then discussed whether a diploma/GED was required to obtain a technician-in-training permit. Ms. Schuster indicated that it was not necessary.

Mr. Covington asked if the pharmacy technician program has to be approved by the Board for them to obtain a technician in training permit. Ms. Schuster indicated she will research and hopefully have an answer next month.

Ms. Shuster stated that it must be an approved program in order to obtain a technician in training permit.

Home Medical Equipment Applications:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Last month the Board moved to GRANDFATHER all the out of state HME change of location applications until renewal time. At renewal time all HME's that are out of state will need to submit the new out of state requirements before their license can be renewed.

This issue was discussed again and the Board reiterated that at renewal time all out of state HME license holders must meet the new out of state requirements in order to renew their license.

Partial Fill of Opioid Prescriptions:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

DEA does not have regulations regarding partial fills of C-2's nor have they promulgated any rules at this time.

A patient can request partial fill of a C-2 and get the rest of the prescription within thirty (30) days. Statute says thirty (30) days from the day the prescription is written, not filled

The Board had some further points regarding this that need answers/further discussion:

- Can you do a partial fill and then transfer the rest of the prescription to another pharmacy?
- Do you use the same prescription number or give it a new prescription number when filling the second half of the prescription?

New 7 Day Opiate Prescribing Law:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Mr. Covington informed the Board that the Medical Licensing board is forming a sub-committee to obtain information from stake holders regarding this issue and to determine whether to create more exemptions by rule.

Use of Personal Electronics and the implications that brings vis a vis the public records laws:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Michael Minglin, Chief Counsel, Deputy Director, Professional Licensing Agency was here for this discussion.

Mr. Minglin emphasized that members should not use electronic devices during hearings. They should only use their computer to view documents in Sharepoint that pertain to the issue going on at that time.

If you need to make a telephone call, ask for a break and go out into the hall to make the phone call. Do not text during the meeting.

The Board thanked Mr. Minglin for the information.

Pharmacists Prescribing Controlled Substances:

Participating Members: Participating Members: Mark Smosna, R.Ph., Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

Is a pharmacist under protocol with a physician's office allowed to write prescriptions?

HEA 1540 states the following:

SECTION 13. IC 25-26-16-1, AS AMENDED BY P.L.197-2011,

SECTION 110, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "protocol" means the policies, procedures, and protocols of a:

(1) hospital listed in IC 16-18-2-161(a)(1); or

(2) physician licensed under IC 25-22.5; or

(3) physician group practice;

concerning the adjustment of a patient's drug regimen by a pharmacist.

SECTION 14. IC 25-26-16-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. For purposes of this chapter, a pharmacist adjusts a drug regimen if the pharmacist:

(1) changes the duration of treatment for a current drug therapy;

(2) adjusts a drug's strength, dosage form, frequency of administration, or route of administration;

(3) discontinues the use of a drug; or

(4) adds a drug to the treatment regimen; or

(5) issues a new prescription for the purposes of subdivision

(1), (2), or (4).

Mr. Covington reminded the Board that you also need to look at the controlled substances laws to make sure you have the authority as the controlled substance rules take precedent over the general rules. They could write for non-controlled substances.

The Board asked Nicole and Gordon for a legal opinion regarding this issue.

REVIEW OF APPLICATIONS

Individual Application Review:

Participating Members: Participating Members: Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D., Mark Smosna, R.Ph.

The following individual application(s) were reviewed and APPROVED for issuance.

Williams/Wall, 5/0/0
Motion carries

- Kevin Foster – Technician in Training App
- Elizabeth McElroy – Technician Reinstatement Renewal
- Linda Hartsalla – Technician in Training App
- Tom Seto – Expired Pharmacist Renewal – CE Review – Approved for 10 hours

The following individual application(s) were reviewed and a PERSONAL APPEARANCE was requested.

Williams/Wall, 5/0/0
Motion carries

- Nicole Bateham – Technician in Training

Continuing Education Applications:

Participating Members: Participating Members: Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

The Board reviewed and APPROVED the following applications to provide Continuing Education.

Wall/Wilson, 4/0/0
Motion carries

- Don Newman – Morton Plant Hospital – Gout – 1 hour
- Christopher Riegel – Central Indiana Association of Pharmacists – Pharmacogenomics: Mental Health Focus – 1.5 hours

The Board reviewed and DENIED the following applications to provide Continuing Education.

Wall/Wilson, 4/0/0
Motion carries

- Don Newman – Morton Plant Hospital – Lymphedema Following Cancer Treatment – 1 hour – Only has one (1) objective listed and requirements are three (3) objectives.
- Don Newman – Morton Plant Hospital – Spiritual Stenosis – 1 Hour – Only has one (1) objective listed and requirements are three (3) objectives.

Pharmacy Technician Programs:

Participating Members: Participating Members: Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D.

The Board reviewed and APPROVED the following Pharmacy Technician Training Program(s):

Wall/Wilson, 3/0/1 with Mr. Anderson abstaining
Motion carries

- Webb's Family Pharmacy Technician Training Program – initial approval
- Sullivan University College of Pharmacy – initial approval
- Mathes Pharmacy Technician Training Program – initial approval
- Crowders Long Term Care Pharmacy Technician Training Program – initial approval
- Panacea Pharmacy Technician Training Program – initial approval
- Medicine Plus The Community Retail Pharmacy Technician Training Program – initial approval

The Board reviewed and TABLED the following Pharmacy Technician Training Program(s):

Landis/Smosna, 6/0/0
Motion carries

- Parkside Pharmacy – 1995 NARD – The Community Retail Pharmacy Tech Manual – initial approval – need updated book

Controlled Substance Registrations, HME & EDI Applications:

Participating Members: Participating Members: Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D., Mark Smosna, R.Ph.

The Board reviewed and APPROVED the following CSR, HME & EDI application(s):

Anderson/Wall, 5/0/0
Motion carries

- Indiana University School of Medicine/Nuria Morral, Ph.D. – Researcher CSR App – Schedules 2,2N,3 – License No. 61100830B – Review updated storage location.
- Phoenix Laboratories, LLC – Analytical Laboratory CSR App – Schedules 1,2,2N,3,3N,4,5
- Purdue University/Lynne Taylor – Researcher CSR App – Schedule 4
- Advanced Pain Care Clinic, PSC – Out Patient Clinic CSR App – Schedules 4,5 – two applications
- Purdue University/Kinam Park – Researcher CSR App – 61101236B – Addition of Schedule 3N
- Indiana University School of Medicine/Phillip L. Johnson – Researcher CSR App – Schedules 3N,4
- Apotex Corp – WDD CSR License # 62100032B – Addition of Schedules 3,3N
- Indiana University School of Medicine/Simon J. Conway – Researcher CSR App – Schedule 3N

The Board reviewed and TABLED the following CSR Application(s) for additional information:

Anderson/Wilson, 5/0/0
Motion carries

- Bloomington ASC, LLC d/b/a Indiana Specialty Surgery Center – License No. 61101460B – Addition of Schedules 2,3,3N,5 – Needs positive response documentation.

The Board reviewed the following and requested an Order to Show Cause be issued:

Anderson/Wilson, 5/0/0

- Janie Arington, APN, License No. 71003636C

Facility Applications:

Participating Members: Participating Members: Kristal Williams, R.Ph., Steve Anderson, R.Ph., Donna Wall, R.Ph., John Wilson, J.D., Mark Smosna, R.Ph.

The Board reviewed and APPROVED the following facility application(s).

Smosna/Wilson, 5/0/0
Motion carries

- Veterinary Pharmacies of America – Non Resident App
- Bux Healthcare Inc, LLC d/b/a Family Pharmacy – Non Resident App
- Vitamed Pharmacy – Non Resident App
- TPS, LLC – Non Resident Change of Ownership App

- Focused Care Pharmacy, Inc – Non Resident App
- Hook-SupeRx LLC d/b/a CVS/pharmacy #6468 – Remodel App
- CVS/Caremark #1638 – Non Resident App
- Matheson Tri-Gas, Inc – Two WDD Apps – FDA Approved

The Board reviewed and requested a PERSONAL APPEARANCE on the following facility application:

Smosna/Wilson, 5/0/0
Motion carries

- Direct Success Pharmacy Dept – Non Resident Change of Ownership App

There being no further business the Board adjourned at 5:40 p.m.



Steve Anderson, R.Ph., President

Winnie Landis, R.Ph., Vice President