

## INDIANA BOARD OF PHARMACY

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

### MINUTES OF JULY 12, 2021

Steve Anderson, R.Ph., President, called the meeting to order at 8:01 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present by Telephone: Steve Anderson, R.Ph., President  
Mark Smosna, R.Ph., Vice President  
Mark Bunton, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Jason Jablonski, R.Ph., Member  
Matt Balla, R.Ph., Member

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

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

Smosna/Balla, 5/0/0  
Motion carries

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

### FULL BOARD APPEARANCES

**Med Shoppe Pharmacy – Remote Dispensing Facility/CSR Application:**  
This matter has been continued.

**The Medicine Chest Southwest – Remote Location Application:**

The Board informed the participants from the Medicine Chest Southwest that they have completed the wrong application. They need to complete the Remote Dispensing Facility application and all requirements that go with it. Once all requirements are completed, they will be scheduled to reappear before the Board.

**PERSONAL APPEARANCES**

The following personal appearance(s) did not appear:

- Ashley Wolf, Technician/Tech in Training Application – Positive Response

**Meghan Sorrells, R.Ph. – Repeat NAPLEX Application:**

Meghan Sorrells appeared telephonically before the Board to discuss his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Ms. Sorrells' NAPLEX repeat exam application.

Smosna/Bunton, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Brittany Cunningham, R.Ph. – Repeat MPJE Application:**

Brittany Cunningham appeared telephonically before the Board to discuss his/her studying habits with the Board.

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

Bunton/Smosna, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Destiny Scott – Technician/Tech in Training Application: - Positive Response:**

Destiny Scott did not appear telephonically before the Board and was not represented by counsel regarding a positive response on her initial application.

This is the second (2<sup>nd</sup>) time Ms. Scott has not appeared for her scheduled appearance before the Board to discuss her positive response information.

After discussion, the Board voted by roll call to DENY Ms. Scott's application.

Smosna/Landis, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Kenyelle Mason – Technician/Tech in Training Application: - Positive Response:**

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

In 2018, she was in a car with a friend and the Police found drugs in the car. Her friend admitted the drugs were his and the charges against Ms. Mason were dropped.

In 2019, she was pulled over for having counterfeit money and they found Marijuana on her person.

After discussion, the Board voted by roll call to TABLE Ms. Mason's application for proof of completion of court probation. Documentation will be reviewed by Steve Anderson.

Landis/Jablonski, 5/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Andrea Hayden – Technician/Tech in Training Application: - Positive Response:**

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

In 2012, she was charged with contraband, possession of Marijuana on prison grounds. Court ordered a pre-trial diversion program. Part of the diversion program indicated that if

the Respondent successfully completes the pre-trial program, the charges will be designated as "dismissed".

Ms. Hayden successfully completed the pre-trial program; therefore, the charge was dismissed.

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

Landis/Smosna, 6/0/0  
Motion carries

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

### **ADMINISTRATIVE HEARINGS**

The following hearing(s) were continued:

**Kelly Franks, R.Ph., License No. 26019542A, Cause No. 2021 IBP 0027**

**Morganne Drake, Ph.T., License No. 67024034A, Cause No. 2020 IBP 0045**

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

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

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

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

Balla/Smosna, 6/0/0  
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Mark Smosna, Jason Jablonski, Mark Bunton, Winnie Landis, Matt Balla  
The following board members objected: None  
The following board members abstained: none

**Susan Northrop, R.Ph., License No. 26016401A, Cause No. 2021 IBP 0009**

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

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

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

Balla/Smosna, 6/0/0  
Motion carries

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

**Tonya Reed, Ph.T., License No. 67014442A, Cause No. 2021 IBP 0023**

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

States Exhibits:  
A – Employment Records  
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 moved to EXTEND the SUMMARY SUSPENSION for Ninety (90) days.

Bunton/Jablonski, 6/0/0  
Motion carries

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

**Sarah Scales, Ph.T., License No. 67028010A, Cause No. 2020 IBP 0048**

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

Let the record reflect that Mark Smosna explained that he worked with Ms. Scales in the past but feels he can be fair and impartial. Mr. Ridlen was fine with Mr. Smosna participating.

Ms. Scales diverted medication and consumed them while on duty.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to EXTEND the SUMMARY SUSPENSION for Ninety (90) days.

Jablonski/Bunton, 6/0/0  
Motion carries

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

**Stephen D. Potts, R.Ph., License No. 26025067A, Cause No. 2018 IBP 0013**

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Rebekah Hammond, Certified Legal Intern and Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services who also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are employed by CVS and do not have knowledge of this applicant. Both parties were fine with both participating.

Tracy Traut, Program Director, IPRP was sworn in as a witness.

Ms. Traut testified that she feels Mr. Potts is safe to practice, he has complied with all his requirements and has been very compliant.

Mr. Potts testified that he continues to see his sponsor monthly and he has a good relationship with his four (4) boys and wife.

After having considered the evidence presented, testimony of the witness and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to WITHDRAW the Order of Probation.

Smosna/Balla, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: None

The following board members abstained: none

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

Respondent appeared telephonically and was not represented by counsel regarding an OTSC/CSR Reinstatement scheduled before the Board. The State of Indiana was represented by Amy Osborn, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services also appeared telephonically.

In 2014, Dr. Damodaran surrendered his DEA for cause. He had samples of controlled substances that weren't locked up; he did have a complete log of controlled substances. In 2015, the Board reinstated his controlled substances registration on indefinite probation.

In 2018, the Board withdrew the order of probation, but only allowed him to prescribe schedules III through V.

On April 26, 2021, Dr. Damodaran's CSR was again placed on suspension due to his surrender of his DEA.

He indicated he surrendered his DEA as he didn't think it was necessary to keep logs because of INSPECT and electronic prescribing records. He was therefore non-compliant with his DEA MOU that was issued back in 2018.

After having considered the evidence presented, testimony of the witness and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to DENY his CSR Reinstatement.

Landis/Jablonski, 6/0/0  
Motion carries

The following board members voted aye by roll call:

Steve Anderson, Mark Smosna, Jason Jablonski, Mark Bunton, Winnie Landis, Matt Balla  
The following board members objected: None  
The following board members abstained: none

**Heather McCullah, Ph.T., License No. 67029730A, Cause No. 2020 IBP 0029**

Respondent did not appear telephonically and was not represented by counsel regarding a Complaint/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Patricia Gibson, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services also appeared telephonically.

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

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION with terms and conditions.

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to APPROVE the Settlement Agreement and requested that a complaint be filed against the Pharmacist of this facility.

Balla/no second  
Motion fails/Motion withdrawn by Mr. Balla

This is a medication error that was not caught by the Pharmacist on duty, and it's the Pharmacist that is responsible. The Board also discussed that the technician did commit the license fraud by not reporting this on her license renewal.

After further discussion, the Board moved to DENY the Settlement Agreement.

Smosna/Balla, 5/0/0  
Motion carries

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

**Rebecca A. Milligan, Ph.T., License No. 67029305A, Cause No. 2021 IBP 0029**

Respondent appeared telephonically and was not represented by counsel regarding a Complaint/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Abigail Smith, Deputy Attorney General and the court reporter



sworn in for this matter was Margie Addington, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Matt Balla explained that he is employed by Ascension and does not have knowledge of this applicant. Both parties were okay with him participating.

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION not less than two (2) years with terms and conditions.

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

Landis/Bunton, 5/0/0  
Motion carries

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

**Pinnacle Medical Supply, License No. None, Cause No. 2021 IBP 0026**

Respondent did not appear telephonically and was not represented by counsel regarding a Cease-and-Desist Order scheduled before the Board. The State of Indiana was represented by Amy Osborn, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services also appeared telephonically.

After having considered the evidence presented, testimony of the witness and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to issue a NOTICE of PROPOSED DEFAULT.

Smosna/Landis, 5/0/0  
Motion carries

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

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

Respondent did not appear telephonically and was not represented by counsel regarding a Amended Complaint 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 Margie Addington, with Accurate Reporting Services also appeared

telephonically.

Let the record reflect that Mark Smosna explained that he used to work with the Respondent a long time ago and feels he can be fair and impartial. Mr. Eldridge was fine with him participating.

After having considered the evidence presented, testimony of the witness and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to issue a NOTICE of PROPOSED DEFAULT.

Balla/Landis, 5/0/0  
Motion carries

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

The Board agreed to hear witness testimony.

Joshua Smith, Asset Protection Manager with Walgreens was sworn in as a witness.

Mr. Smith testified that the store pharmacist found that Modafinil was missing. He reviewed surveillance videos and saw Mr. Wagner go down an aisle with the Modafinil in his hand and then put it into his pocket.

Mr. Wagner was interviewed and admitted to taking the drug for self-use. Mr. Wagner indicated he had taken about sixty (60) tablets, but once inventory was completed Mr. Smith found that hundred's (100's) of Modafinil tablets were missing. Mr. Wagner was terminated from his employment.

### DISCUSSION

#### Cameron Allen, R.Ph. – Extension of time for NAPLEX exam:

Mr. Allen submitted a request to the Board to allow him an extension of six (6) months to retake the NAPLEX as this is his fifth (5<sup>th</sup>) and final chance to take and pass the exam. He indicated that he feels he needs more time to study.

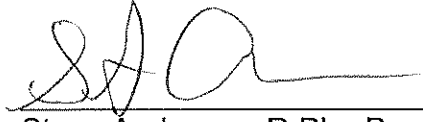
After discussion, the Board moved to APPROVE Mr. Allen a six (6) month extension of time.

Smosna/Landis, 6/0/0  
Motion carries

The following board members voted aye by roll call:  
Steve Anderson, Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton, Matt Balla

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

There being no further business the Board adjourned at 3:42 p.m.

  
Steve Anderson, R.Ph., President

Mark Smosna, R.Ph., Vice President

