

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

MINUTES OF AUGUST 14, 2017

Steve Anderson, R.Ph., President, called the meeting to order at 8:32 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 (in at 8:43a.m.)
Mark Smosna, R.Ph., Member
Matt Balla, R.Ph., Member
Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Vice President (in at 8:45a.m.)
Del Fanning, R.Ph., Member (left at 6:00p.m.)

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
Nicole Schuster, 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., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph.

Fanning/Smosna, 5/0/0
Motion carries

The Board voted to adopt the minutes from the July 10, 2017 meeting.

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph.

Wall/Smosna, 3/0/2 with Mr. Fanning & Mr. Balla abstaining
Motion carries

Recognition of LeRoy Rhea, R.Ph.

The Board took a moment to recognize Leroy Rhea, R.Ph., former Board member as he passed away in July 2017. LeRoy also worked for several years as a Pharmacy Board Inspector with the Professional Licensing Agency.

Steve Anderson read Mr. Rhea's obituary.

Donna Wall voiced that LeRoy was President of the Board when she became a member and that he was a wonderful leader.

Gordon White indicated that LeRoy was a wonderful man, a great mentor and a true public servant.

Josh Bolin, NABP former Pharmacy Board Director sent an email to express that LeRoy was always patient and understanding and a great mentor. He also stated that he was an awesome pharmacy inspector.

The Board had a moment of silence in honor of LeRoy Rhea, R.Ph.

FULL BOARD APPEARANCES

In-Touch Pharma University – Technician Training Program:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Tim Kidd, PharmD and Jacquelynn Ozelie, R.Ph., both appeared regarding this matter.

Mr. Kidd explained that they will be using the Pharmacy Technician University on line training as the didactic part of the training. The Experiential part of the training will be done by the applicants shadowing in the pharmacy.

The Board requested more information regarding the experiential part of the training. They requested to know how they were going to integrate the didactic with the experiential part of the training.

The Board also indicated that the name of the program makes it sound like it is an actual university program and requested that they consider changing the name.

After discussion the Board moved to TABLE this application for additional information.

Landis/Smosna, 7/0/0
Motion carries

Riverview Westfield Pharmacy, Brian Peters, PharmD., MS, Director of Pharmacy Services, PGY1 Pharmacy Residency Program Director:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Peters appeared before the Board to present a concept to the Board for concerns that they may have before they move forward.

Mr. Peters gave the following information to the Board:

- The facility will be classified as a hospital, will have some inpatient beds, ER or suites, imaging, lab, etc. It will be operating under the main campus license.
- Pharmacy services on site will primarily consist of retail (own use) pharmacy with a small section of the space dedicated to on-site support of the "inpatient" operations. Staff on site will be cross-trained to provide inpatient services for emergency/urgent situations, but will predominately serve in a traditional retail pharmacy capacity
- The on-site pharmacy will be open approximately sixteen (16) hours/day. It will have a clean room for the rare emergency IV product that may need compounded, again, with staff cross-trained to perform these tasks.
- Most patient support will come from the main Riverview hospital pharmacy.
 - The support will consist of:
 - Pharmacist order/review/verification
 - Dispensing via Omnicell
 - Omnicell cabinets will be replenished with controlled substances ordered specifically for and delivered directly to that facility by the wholesaler/supplier (no transport of controls from main hospital to Westfield); non-controls will be picked up from the main hospital inventory and couriered by hospital personnel in secure totes from Noblesville to Westfield

After discussion the Board moved to APPROVE Riverview to move forward in its application process and requested that the Attorney General's Office and Riverview also submit its opinion on whether the outpatient services being offered complied with the "own use" provisions of the Robinson-Pattman act.

Anderson/Wall, 5/0/2 with Ms. Landis and Mr. Wilson abstaining
Motion carries

Gicomo Meille – De-Identified PDMP Data for Academic Research Project:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Mille is a PhD Student at the University of Michigan Ross School of Business. He along with Thomas Buchmueller, Professor at the University of Michigan Ross School of Business and Colleen Carey, Professor at the Department of Policy Analysis and Management at Cornell University are requesting to obtain de-identified PDMP data for the following:

Purpose of study and expected benefits:

- The study will evaluate two policies that were adopted by Indiana and Kentucky. The first regulation that will be studied is the adoption of laws that mandate that physicians access patient PDMP records before writing a prescription (referred to as must-access laws). The second regulation will be studied is the Medicaid expansion. For each of these laws, the researchers will estimate the effects on purchases of prescription opioids. Both overall access to prescription opioids and risky purchasing behaviors, such as doctor shopping, will be evaluated. Second order impacts such as death due to overdoses will also be considered.
- This research will inform states on the costs of benefits of policies that impact prescription opioid use and abuse. Laws that require physicians to access PDMPs are considered best practice by the National Alliance for Model State Drug laws and several research studies have validated their effectiveness. To fully understand the implications of must-access laws and research to date have several limitations, which will be addressed by PDMP data. The Medicaid expansion will also be studied. This policy has substantially increased the access to medical services, such as primary care and prescriptions among the poor. In 2016, Medicaid spending on opioid use disorder treatment prescriptions for buprenorphine, naltrexone, and naloxone was over \$900 million. Given these substantial outlays it is important to understand whether the Medicaid expansion decreased the number of deaths due to opioid abuse.
- Neither of these policies have been analyzed with administrative data from PDMPs. This data has several advantages compared to other sources. First, it is administrative data that accurately captures the whole universe of filled prescriptions in a state. This minimizes measurement error and allows the researchers to study uncommon, but risky behaviors, such as doctor shopping and use of extremely large amounts of drugs. Second, it allows the researchers to study outcomes at low levels of geographic aggregation, such as zip code or county level. These geographic differences may stem from demographic factors such as race and gender or economic opportunities such as low income and employment. As such, they are important for measuring inequalities in the opioid epidemic. Finally, these data also allow the researchers to examine physician prescribing behavior, which has not been analyzed by the literature thus far.

The Kentucky Board has approved their request for data from the CASPER program.

They are requesting the following data:

- Hashed value for patient identification
- Hashed value for DEA number assigned to the Prescriber by the DEA
- Hashed value for DEA number assigned to the Pharmacy by DEA
- Patient's year of birth
- Patient's zip code
- Patient's gender
- NDC number for the drug
- Drug name for the drug
- Strength of the drug
- Quantity of the drug dispensed
- Drug DEA schedule designation
- Number of days the medication will cover
- Date the prescription was filled
- Type of payment used

After discussion the Board moved to APPROVE Mr. Mille's request for PDMP data.

Wall/Wilson, 7/0/0
Motion carries

Lindsay Brown, Troy Group Variance Request of 856 IAC 1-34:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Brown submitted a document to the Board regarding their request for a temporary variance.

Troy Group is requesting a temporary variance in an effort to demonstrate the effectiveness, security and positive impact their secure, plain paper prescription printing solution provides to patients, prescribers and the community in general. Their solution is a software that works within the prescribers EMR system. It serves as a qualified technology and intelligent path toward meaningful use as it pertains to e-prescribing. It goes beyond creating CMS compliant security features by utilizing variable data and incorporating that data into security features that are then printed directly onto plain paper using the prescribers desktop or workgroup printers. Through advancements in software technology, a more secure method for printing and managing prescriptions is possible. The threat of pre-printed prescription paper theft is eliminated. Handling, stocking and all things related to accountability of pre-printed prescription paper is no longer required.

They are now using this method in over 500 hospitals nationwide. There are approximately eighteen (18) hospitals interested in Indiana.

The Board moved to CONTINUED this discussion/matter for Gordon White to review the controlled substances statute and the legend drug act to make sure they do not conflict with this request.

CONSENSUS
Motion carries

PROBATIONARY APPEARANCES

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

The following made their probationary appearances:

Ryan Manges
Stephen Day
Elizabeth Sanders
Troy Martin
Atiman Damodaran

PERSONAL APPEARANCES

Samuel Ludlow, Intern Permit Renewal:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Ludlow appeared before the Board regarding a positive response on his intern permit renewal and was not represented by counsel.

Mr. Ludlow received an OWI in July 2016. He is currently on a criminal probation with the courts.

Documentation submitted indicates he has completed the following:

- Victim impact panel program – April 12, 2017
- Substance abuse treatment at the Willow Center – January 28, 2017
- Paid all fines and court costs in full

He is scheduled to be discharged from probation on October 28, 2017.

Butler University has put him on permanent conduct probation.

After discussion the Board moved to TABLE this matter until the November 2017 meeting. Mr. Ludlow will need to show proof of completion of probation.

Wall/Smosna, 7/0/0
Motion carries

Kristina Finck, Technician in Training App:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

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

Ms. Finck received a DUI back in 2008/2009. She was placed on criminal probation which was successfully completed.

In January 2017 she was charged with Domestic Dispute and was placed on unsupervised probation. She indicated to the Board that alcohol was involved.

She indicated she is a social drinker and has an alcohol beverage about once every two weeks.

She will be able to get her driver's license back in April 2018.

After discussion the Board moved to TABLE this matter and requested Ms. Finck to obtain an addictionology evaluation and to reappear once completed.

Wall/Landis, 7/0/0
Motion carries

Mai Khuu, Intern Permit Renewal:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

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

Ms. Khuu indicated she was charged with Shoplifting in July 2016 and again in November 2016. She was placed on 364 days of unsupervised probation.

She started seeing a Psychiatrist for depression in 2015 and continues to see the psychiatrist. She feels this has helped to put her in a better place mentally.

After discussion the Board moved to TABLE this matter and requested that she obtain a report from her Therapist/Psychiatrist on how she is doing and a report from school on

how she is doing. The Board requested she reappear in December 2017 as she will be out of state for the next three (3) months.

Landis/Wall, 7/0/0
Motion carries

Luke Schmid, Intern Permit Renewal:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Schmid appeared before the Board regarding a positive response on his intern permit renewal and was not represented by counsel.

Mr. Schmidt indicated he received a DWI in October 2016. He self-reported to KY PRN program. His contract will go through 2020 when he graduates.

He will also have monthly meeting with the President of Sullivan University.

His is on criminal probation until January 2018.

After discussion the Board moved to APPROVE his renewal on INDEFINITE PROBATION with terms and conditions.

Wall/Smosna, 7/0/0
Motion carries

Nicole Bateham, Technician in Training App:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

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

Ms. Bateham indicated that she was arrested for Shoplifting electronic equipment from Walmart.

She has also received three (3) DUI's.

- One in 2012
- One May 2013
- One October 2013

The Judge enrolled her in an intensive twelve (12) month program. She completed two (2) Victim impact panels; 80 hours community service and had five (5) UDS a week.

She had finished the above probation just prior to receiving the October 2013 DUI. She was again placed on criminal probation for one (1) year which she just completed.

Her sobriety date is March 14, 2017 and she continues to attend AA meetings.

After discussion the Board moved to APPROVE Ms. Bateham's technician in training application.

Wilson/Smosna, 7/0/0
Motion carries

Alexander Anderson, Intern Permit App:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Anderson appeared before the Board regarding a positive response on his intern permit application and was not represented by counsel.

Mr. Anderson received an OWI in 2011.

The Kentucky Board approved his license pending a contract with KY PRN.

He signed the PRN contract and it will run until he graduates from Sullivan University in 2019.

After discussion the Board moved to APPROVE Mr. Anderson's intern permit application PENDING a signed Indiana PRN Contract.

Smosna/Fanning, 7/0/0
Motion carries

Alexander Delaney, Intern Permit App:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Delaney appeared before the Board regarding a positive response on his intern permit application and was not represented by counsel.

On July 7, 2017 Mr. Delaney was arrested for public intoxication. He was required to pay a \$218.00 citation.

He met with KY PRN and they determined that he did not need a contract. He was issued a free and clear KY license.

He also met with Sullivan University to inform them of the issue.

After discussion the Board moved to APPROVE Mr. Delaney's intern permit application.

Fanning/Wilson, 7/0/0
Motion carries

Omar Hakim – Intern Permit Renewal:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Hakim appeared before the Board regarding a positive response on his intern permit renewal and was not represented by counsel.

Mr. Hakim informed the Board that he was charged with possession of Marijuana. He indicated it was his roommates Marijuana.

He signed a diversion agreement in May 2017 for one (1) year.

Purdue University is aware of the situation.

After discussion the Board moved to APPROVE Mr. Hakim's intern permit renewal.

Landis/Fanning, 7/0/0
Motion carries

Direct Success Pharmacy Dept., Non Resident Change of Ownership App:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Sharon McDaniel, CEO and Garrett Cermele, R.Ph, PIC appeared on behalf of Direct Success Pharmacy Dept.

They are licensed as Non Resident Pharmacies in fifty (50) states. They recently received a fine issued by the Arkansas Board.

They got a third party to do inspections. They are using VPP through NABP. They used the VPP inspection to obtain a Florida license.

The last VPP inspection was completed just a few months ago.

After discussion the Board moved to APPROVE the application PENDING receipt and review of the most recent VPP inspection.

Wall/Balla, 7/0/0
Motion carries

St. Vincent Neighborhood Hospital, Remote Location App:

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Let the record reflect that Matt Balla recused himself from this matter and left the room.

Amber Cummins, R.Ph., PIC appeared on behalf of St. Vincent Neighborhood Hospital.

Technician will not be working alone. Nurses will be trained by the Pharmacist.

After discussion the Board moved to APPROVE the remote location application.

Wall/Wilson, 6/0/0
Motion carries

ADMINISTRATIVE HEARINGS

The following administrative hearings were continued:

Hook-SupeRx, LLC d/b/a CVS Pharmacy #6550, License No. 60004688A, Cause No. 2015 IBP 0057

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

Amex Pharmacy, License No. 64000903A, Cause No. 2017 IBP 0048

Respondent did not appear in person and was not represented by counsel regarding a 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, 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 INDEFINITE PROBATION with terms and conditions.

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

Wall/Landis, 7/0/0
Motion carries

Tracy Anderson, Ph.T., License No. 67000899A, Cause No. 2017 IBP 0036

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

Participating Members: Steve Anderson, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Let the record reflect that Mark Smosna recused himself from this matter and left the room.

Ms. Anderson admitted to the Board that she diverted Hydrocodone. She diverted it for her Husband, as he was on workman's comp and needed a second back surgery.

She diverted approximately 325 pills.

She has been a technician for thirty-one (31) years. She is currently working at Sam's Club Pharmacy and they are not aware of this situation.

No criminal charges have been filed at this time.

States Exhibit:

1 – Employee Records

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 INDEFINITE PROBATION with terms and conditions.

Wall/Landis, 6/0/0
Motion carries

Janie Arington, A.P.N., License No. 71003636A, Cause No. 2016 IBP 0059

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Jessica Krug, 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Ms. Arington previously appeared before the Board on December 14, 2016 to get her CSR reinstated as she previously surrendered her DEA registration after the DEA investigated her collaborating physician. Ms. Arington herself never faced any criminal

charges. She indicated she would not be prescribing schedule 2 drugs. The Board at that time approved her CSR with schedules 3-5 only.

Since the December 2016 meeting, Ms. Arington has changed employment and is requesting to have schedules 2, 2N added to her controlled substances registration.

States Exhibits:

A – Superseding Indictment, U.S. District Court, Western District of Kentucky

Respondents Exhibits:

1 – New job description

2 – Letter from Bruce Fowler

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's CSR on INDEFINITE PROBATION with terms and conditions and with the addition of schedules 2,2N.

Wall/Smosna, 7/0/0

Motion carries

Adam Arnold, R.Ph., License No. 26024999A, Cause No. 2017 IBP 0015

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

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

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

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

Smosna/Fanning, 6/0/1 with Ms. Landis abstaining

Motion carries

Jared Bachman, R.Ph., License No. 26021573A, Cause No. 2013 IBP 0044

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 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Scott Kaczynski, PRN President and Adrian Karaminis, Brother-in-law were sworn in as witnesses for the Respondent.

Mr. Bachman's sobriety date is February 16, 2013. He last worked as a pharmacist on February 15, 2013 but has kept current with his continuing education. He will continue two to three (2-3) AA meetings per week.

Mr. Kaczynski informed the Board that Jared has been very compliant with his contract. He recently completed the PRN contract.

Mr. Karaminis informed the Board that he feels Jared will continue to work his program and he will call him out if he sees him backsliding.

Respondents Exhibits:

1 – Letter from Carol Dunham; affinity drug screens; email from Mike Denton, MS, LCAC; email from Larry, his NA Sponsor

After having considered the evidence presented, testimony of the witnesses and taking its file into consideration the Board moved to WITHDRAW the Order of Probation.

Landis/Wilson, 7/0/0
Motion carries

Katie Fisher, Ph.T., License No. 670235832A, Cause No. 2017 IBP 0056

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 Kelly Haltom, 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

In July 2017, the Respondent diverted Hydromorphone from her employer for self-use.

Between March 1, 2017 and July 17, 2017 she diverted the following drugs:

- Two (2) full bottles of Zanafles, 4mg tablets
- Two (2) boxes (30 tablets each) of Flexeril, 10mg tablets
- Ten (10) vials of Promethazine 25mg/1mL
- Ten (10) vials of Hydromorphone, 5 mL

On July 19, 2017, the Respondent was suspended from the Pharmacy for gross misconduct pending final employment determination.

On July 21, 2017, the Respondent was charged in Marion County with Theft, as a Level 6 Felony.

States Exhibit:

A – Certified copies of employment record

B – Certified copies of criminal record

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

Smosna/Wilson, 6/0/0
Motion carries

Stephen Day, R.Ph., License No. 26013076A, Cause No. 2014 IBP 0012

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 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Mr. Day has successfully completed all the terms on his order of probation with the Board.

He has fifteen (15) months left on his OIG agreement.

He last worked as a pharmacist on September 13, 2014. He has kept current with his continuing education.

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.

Wall/Wilson, 7/0/0
Motion carries

Genoa, A QoL Healthcare Company, LLC, Pending License, Cause No. 2017 IBP 0027

Respondent did appear in person and was represented by counsel, Harold Hilborn regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Kelly Haltom, 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Christy Barr, R.Ph., VP Central Pharmacy Operations appeared on behalf of Genoa.

The Illinois Board has taken action against Genoa's Illinois license. Illinois Board placed the license on a five (5) year probation.

During an inspection it was found that an Adderall prescription was filled early. They now have auditors that come out randomly and do a self-audit which is then sent to the Illinois Board. It was also found that they were charging for samples of drugs and they had expired drugs on the shelves.

Respondents Exhibits:

- 1 – Copies of Application file for Warsaw location
- 2 – Copies of Application file for Michigan City location
- 3 – Copies of Application file for Kendallville location

States Exhibit:

A – Certified copy of IL action

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the controlled substances registration application.

Smosna/Wilson, 7/0/0
Motion carries

Stacey Kaiser, R.Ph., License No. 26021450A, Cause No. 2016 IBP 0081

Respondent did appear in person and was represented by counsel, Julie Treida regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Kelly Haltom and Laura Isoue, Deputy Attorney General's and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Members: Steve Anderson, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

Both parties agreed to and entered a Joint Stipulation of facts in this matter.

Ms. Kaiser appeared before the Board in November 2015 on a Summary Suspension hearing. Due to the evidence presented at that time the Board denied the Summary Suspension.

The following information was presented at the Summary Suspension hearing:

"In February 2015, Ms. Kaiser was arrested because she knew her ex-boyfriend robbed a bank and she didn't report it to the authorities. The robberies themselves occurred in 2012-2013. This happened in the state of Iowa.

She pled guilty to conspiracy to commit a forcible felony.

She testified her ex-boyfriend was physically and mentally abusive.

She is on criminal probation in Iowa and it has been transferred to Indiana as she currently resides in Indiana.

She informed the Board that she wasn't involved in the robbery. There were other robberies that she knew nothing about."

The above testimony from the Respondent was not the truth as she actively participated in the three (3) armed robberies as she assisted in the planning of the robberies. She also obtained the vehicle that was used in the robberies.

Ms. Kaiser has submitted several letters of reference to the Board for review. She admitted to the Board that none of the people that wrote the letters knew what she had done or why she wanted the letters.

Ms. Kaiser received five (5) years' probation with terms and conditions and a deferred judgment.

On April 8, 2016 her criminal probation began. She completed an addictionology evaluation which indicated she had no problems with alcohol.

She last consumed alcohol in January 2016.

She sees a Psychiatrist every three (3) months and a therapist every month.

States Exhibits:

B – Iowa criminal documents

D – U.S. Department of Justice – Limited used Immunity & Non-Prosecution agreement

C – Plea agreement

A – Certified copy of transcript

E – Certified copy of Indiana renewal application

F – Transcript of the Board's November 2016 hearing

Respondent Exhibits:

1 – Ms. Kaiser's CV

2 – Letter from Jennifer Carlos, M.D.

3 – Letter from Linda Hinkle, Ph.D., HSPP, Clinical Psychologist

4 – Hamilton County Courts individualized service contract; addictionology evaluation

5 – Reference letter from Amy Arbogast, R.Ph.

6 – Reference letter from Brelan Augmon

7 – Reference letter from Pamela Upton, R.Ph.

8 – Reference letter from S. Nana Obeng, PharmD

9 – Reference letter from John Martin, R.Ph., J.D.

10 – Reference letter from Laqwesha Lawson, C.Ph.T.

- 11 – Letter from Amanda Knight, America Specialty Health Inc.
- 12 – Reference letter from Krystal Riley, C.Ph.T.
- 13 – Reference letter from Anitrea Harris-Williams, C.Ph.T.

Let the record reflect that Winnie Landis informed the parties that she knows several of the people that wrote the reference letters and asked both parties if they wanted her to continue to participate in this matter. Both parties were fine with Ms. Landis continuing to participate in this matter.

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 INDEFINITE SUSPENSION for a period of six (6) months and must have a Psychiatrist evaluation and counseling reports upon her request to reinstate.

Wilson/Fanning, 3/4/0, with Ms. Wall & Landis and Mr. Anderson & Smosna opposed
Motion fails

After further discussion the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year.

Landis/Smosna, 7/0/0
Motion carries

Lincare, License No. 60004891A, Cause No. 2017 IBP 0058

Respondent did appear in person and was represented by counsel, James Bell 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Matt Balla, R.Ph., Winnie Landis, 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 SUMMARY SUSPENSION until the September 11, 2017 meeting.

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

Wall/Balla, 6/0/0
Motion carries

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

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

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

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

The Respondent has been indicted in the U.S. District Court Northern District of Indiana Hammond Division.

States Exhibit:

A – Indictment U.S. District Court Northern District of Indiana Hammond Division

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 ninety (90) days.

Wall/Balla, 4/1/0, with Mr. Wilson objecting
Motion carries

Michael Love, M.D., License No. 01048505B, Cause No. 2016 IBP 0086

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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

A settlement agreement between the Respondent, his counsel 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.

Fanning/Smosna, 7/0/0
Motion carries

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

Respondent did 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 Jessica Krug, 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Matt Balla, R.Ph., Winnie Landis, R.Ph., John Wilson, J.D.

The Respondent requested that this matter be continued.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DENY the Continuance request.

Wall/Smosna, 5/1/0 with Mr. Wilson objecting
Motion carries

Mr. Ringger was indicted on June 22, 2017 in the U.S. District Court, Northern District of Indiana on ten (10) counts of Conspiracy to Commit Healthcare Fraud and Distributing a Controlled Substance.

Mr. Ringger indicated he has been a pharmacist for forty-four (44) years and has never had any problems.

States Exhibit:
A – Federal Indictment

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 ninety (90) days.

Wall/Smosna, 5/0/1 with Mr. Wilson objecting
Motion carries

Alisha Russell, Ph.T., License No. 67028353A, Cause No. 2017 IBP 0034

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 Kelly Haltom, 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., Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Winnie Landis, 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 EXTEND the SUMMARY SUSPENSION for ninety (90) days.