

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

MINUTES OF SEPTEMBER 11, 2017

Steve Anderson, R.Ph., President, called the meeting to order at 8:34 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
Matt Balla, R.Ph., Member
Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Vice President
Del Fanning, R.Ph., Member

Staff Present: Michael Minglin, J.D., Deputy Director, Chief Counsel
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., John Wilson, J.D., Winnie Landis, R.Ph.

Wall/Landis, 7/0/0
Motion carries

The Board voted to adopt the minutes from the August 14, 2017 meeting.

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

Fanning/Landis, 7/0/0
Motion carries

FULL BOARD APPEARANCES

Deborah Frye, Executive Director, Indiana Professional Licensing Agency:

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

Ms. Frye stated that the Agency has looked into installing audio and visual equipment in the board room so that the audience and public would be able to hear the meetings as well as watch the meetings via computer. The audio system would be a fixed installation and the visual would be available for approximately 30 days after the meeting for review.

The equipment will be installed shortly after the first of the new year.

Ms. Frye requested that the Board consider approving \$5,000 from the Impaired Pharmacist fund to assist in this matter.

The total cost is approximately \$60,000 and the Agency will spend \$30,000 and they are requesting from the Boards that have additional funds to assist in the cost since all boards will use the equipment. Medical Board has recently agreed to submit \$5000 from their funds.

After discussion, the Board moved to APPROVE Ms. Frye's request for the \$5,000 from the Impaired Pharmacist fund.

Wall/Smosna, 7/0/0
Motion carries

Lt. Craig McCartt, Homicide Unit, Indianapolis Metropolitan Police Department – Pharmacy Robberies, Indianapolis Area:

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

Lt. McCartt informed the Board that in 2014 they saw a large increase in pharmacy robberies. In 2014 there were 78 robberies.

In 2015 there was an increase of 113% in pharmacy robberies just in the IMPD service area with a total of 166 pharmacy robberies in this area.

In 2016 there were 55 pharmacy robberies in the Indianapolis area. Indiana was rated second highest in pharmacy robberies.

Pharmacy robberies seem to be decreasing in 2017, to date the IMPD area has had 10 pharmacy robberies and this includes attempted robberies. The entire state is currently at 19 pharmacy robberies.

The Board thanked Lt. McCartt for his report.

Carol Ott, PharmD, BCPP, Clinical professor of Pharmacy Practice, Clinical Pharmacy Specialists, Psychiatry, Eskenazi Health/Midtown Community Mental Health, Purdue University College of Pharmacy, Research Presentation regarding Gabapentin use:

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

Ms. Ott stated that Gabapentin has become an issue over the last seven (7) to eight (8) years.

Ohio requires it to be reported to their PDMP program.

Virginia legislature passed a law to require it to be reported to their PDMP program

Kentucky made is a schedule V drug.

Gabapentin: Indicators of Misuse:

- A study in the US found that 22% of 162 study participants with opioid use disorder had a prescription for gabapentin
- Of these, 40%, used higher than prescribed doses
- Gabapentin has been found in 1% of drug-related deaths in Scotland
- Cross-sectional studies of opioid abuse in UK and US samples found gabapentin misuse to be 15% - 22% of the sample
- "Street market" demand for gabapentin for misuse of the drug itself and as a cutting agent for heroin
- Street market" price - \$1.00 - \$7.00 per table depending on dose
- Increase ER visits by 90% since 2008 (Drug Abuse Warning Network)

Systematic Review (2017):

- Gabapentin abuse has been studied in 23 epidemiologic studies since 2010
- More prevalent in past or current opioid abusers (1.1%) and in those with an opioid use disorder (15% - 22%)
- Poison center data in 2014 noted 116 overdose cases reported, usually co-ingestion with other substances
- 2 fatal overdoses were with gabapentin alone – highest reported overdoses were 11,500 mg and 91,000 mg

- One study of prison inmates with psychiatric diagnoses and substance use disorder suggested 16% rate of gabapentin misuse

The Board thanked Dr. Ott for her presentation.

Justin Kistler, PhD Student and Dr. Luv Sharma, University of South Carolina, Inspect Data Request for Research Project:

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

Mr. Kistler gave the presentation to the Board.

Research Goals:

- Reduce the number of people who start using an addictive substance
- Reduce the number of persons who become addicted to a legally prescribed substance
- Develop prescriptive guidelines for hospitals and policymakers to reduce over prescription practices in Indiana.

Research Approach:

- Prior studies on inappropriate prescribing investigate the effects of policy implementation on individual clinics or specialties (Meeker et al. 2016, 2014)
- To truly understand the phenomenon of over prescription, internal and external factors, along with their interaction, must be examined – systems approach
- Systems approach requires comprehensive dataset incorporating both internal and external variables associated with over prescription.
- Define baseline prescription rates in Indiana using methods established by prior literature (Paulozzi et al. 2011, Gammaitoni et al. 2003)
- Calculate over prescription relative to baseline rates while controlling for changes in temporal and socioeconomic factors
- Analytically examine characteristics associated with over prescription in Indiana
 - Prescribers – clinical experience, specialty
 - Hospitals – clinical technology systems, teaching intensity, MD workload
 - Legislation – value based purchasing program, open payments database

Mr. Kistler is requesting the following de-identified information:

- Zip code
- Date Rx written
- Date filled
- Quantity
- Units
- Days supply
- Refill count
- Drug name
- Drug type

- Drug class
- Dispensary unique ID
- Dispensary zip code
- Patient zip code
- Patient gender
- Patient Unique ID
- Patient age

The Board thanked Mr. Kistler for his report.

After discussion, the Board moved to APPROVE his request pending discussion and an agreement with IT & INSPECT staff.

Wall/Balla, 7/0/0
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., John Wilson, J.D., Winnie Landis, R.Ph.

The following made their probationary appearance:

Ryan Manges
Nicholas Scarpino
James McGrady
Jason Bagley

The following did not appear for their probation appearance and will be contacted by the Compliance staff.

Tracy Anderson

PERSONAL APPEARANCES

The following did not appear for their personal appearance and will be rescheduled for next month:

Lindsay Swain, Technician in Training App
Grandview Healthcare – Cedar Creek Retirement Home, Inc – Remote Location App

Dominic Senemis, 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., John Wilson, J.D., Winnie Landis, R.Ph.

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

Mr. Senemis is currently under a pretrial diversion agreement with the courts.

Mr. Senemis indicated to the Board that Purdue University is not aware of his situation at this time.

After discussion, the Board moved to TABLE Mr. Senemis' application until January 2018. When he appears in January he needs to submit documentation from the courts showing he has completed the pretrial diversion agreement and a letter from Purdue University that states they are aware of the issue.

Smosna/Landis, 6/0/1 with Ms. Wall abstaining
Motion carries

Alivia Daugherty, 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., John Wilson, J.D., Winnie Landis, R.Ph.

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

Ms. Daugherty indicated that Purdue is aware of her situation.

She was charged with minor possession of alcohol. Her BAC was 0.

She entered into a pretrial diversion program that began in October 2016. She has completed her twenty (20) hours of community service and has completed the four (4) hour drug and alcohol class.

After discussion, the Board moved to TABLE Ms. Daugherty's application until the November 2017 meeting. Ms. Daugherty will need to bring a document from the court showing she has completed the pretrial diversion program and proof of completion of the CE required and proof of completing the drug and alcohol class.

Landis/Smosna, 7/0/0
Motion carries

Richard Schultz, 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., John Wilson, J.D., Winnie Landis, R.Ph.

Mr. Schultz has had two (2) incidents involving alcohol approximately seven (7) years ago while in high school.

He received two OWI's. The first one his BAC was .08; the second BAC was .02.

He completed pretrial diversion program and attended six (6) months of drug and alcohol classes.

He has an active Kentucky intern permit.

He met with Brian at KY PRN program and it was determined that no contract was necessary.

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

Wilson/Wall, 7/0/0
Motion carries

Andrew Farmer, 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., John Wilson, J.D., Winnie Landis, R.Ph.

On May 5, 2017, Mr. Farmer received a DUI. His BAC was .11

He is on criminal probation for one (1) year. He must complete drug/alcohol classes. He has already complete the impact panel class.

Butler University is aware of the issue and he must complete forty (40) hours of community service for his Butler probation.

After discussion, the Board moved to APPROVE Mr. Farmer's intern permit application on INDEFINITE PROBATION for the length of his criminal probation with terms and conditions.

Fanning/Smosna, 7/0/0
Motion carries

Chad Ketelaar, 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., John Wilson, J.D., Winnie Landis, R.Ph.

Mr. Ketelaar was in the dorms and was caught by the Butler University campus Police and charged with minor possession of alcohol.

He entered a diversion program with Butler University, this incident was not reported to city Police.

He was required to do twenty (20) hours of community service and write an apology letter to the University. He will be on probation with the University until he graduates.

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

Wall/Smosna, 7/0/0
Motion carries

Sam Heffter, 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., John Wilson, J.D., Winnie Landis, R.Ph.

Mr. Heffter was a roommate of Mr. Ketelaar's and was also in the dorms and was caught by the Butler University campus Police and charged with minor possession of alcohol.

He entered a diversion program with Butler University, this incident was not reported to city Police.

He was required to do twenty (20) hours of community service and write an apology letter to the University. He will be on probation with the University until he graduates.

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

Smosna/Balla, 7/0/0
Motion carries

Quincy Hurt, Technician App:

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

Mr. Hurt indicated his was placed on Probation in 2013 for stealing from his Father. While he was on probation, he violated it and was placed on house arrest in January 2014. He then violated the house arrest by testing positive for Marijuana. He was sentenced to two (2) months in jail.

He indicated he has had nothing since.

He stated he has graduated high school and has completed the IUPUP technician course.

After discussion, the Board moved to TABLE Mr. Hurt's application and requested he obtain a copy of his criminal background check and the resubmit his statement and all court documents for everything listed in the criminal background check.

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., John Wilson, J.D., Winnie Landis, R.Ph.

Ms. Finck appeared before the Board at their August 14, 2017 meeting. The Board's minutes reflect the following:

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.

Ms. Finck is reappearing today and has submitted a copy of her evaluation.

After discussion, the Board moved to APPROVE Ms. Finck's technician in training application on INDEFINITE PROBATION until her criminal probation is completed with terms and conditions.

Wilson/Wall, 7/0/0
Motion carries

Trent Doud, Pharmacist Repeat MPJE App:

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

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

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

Wall/Smosna, 7/0/0
Motion carries

Sydney Kehr, Pharmacist Repeat MPJE & NAPLEX App:

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

Ms. Kehr appeared before the Board and discussed her studying habits with the Board.

Ms. Wall requested she obtain updated documents for her special accommodations and requested staff send the documents to Ms. Wall for review.

After discussion, the Board moved to APPROVE Ms. Kehr's request to retake both the MPJE and NAPLEX.

Fanning/Balla, 7/0/0
Motion carries

Sonia Ngankwe, Pharmacist Repeat MPJE App:

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

Ms. Ngankwe appeared before the Board and discussed her studying habits with the Board.

After discussion, the Board moved to APPROVE Ms. Ngankwe's request to retake the MPJE.

Landis/Balla, 7/0/0
Motion carries

Pendleton Emergency Ambulance – James Stewart ALS Chief – Ambulance Service CSR App:

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

Along with Mr. Stewart, Darin Isaccs and Chris Stoll, St Vincent Hospital PIC.

St. Vincent's wants the ambulance service to have their own CSR license as well as their own DEA permit. They will then purchase their drugs from the Hospital pharmacy.

The Board informed them that they will need their own policy and procedures as well as an inspection.

After discussion, the Board moved to APPROVE Pendleton Emergency Ambulance Service's request for a CSR pending an inspection.

Balla/Wall, 7/0/0
Motion carries

ADMINISTRATIVE HEARINGS

Matthew Bezy, 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 Deanne Hutson with Circle City Reporting.

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

Ms. Hilliker informed the Board that the Respondent is working with her on a settlement agreement. She requests that the Summary Suspension be extended for ninety (90) days.

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.

Fanning/Wilson, 7/0/0
Motion carries

California Pharmacy & Compounding Center, License No. 64001072A, Cause No. 2017 IBP 0044

Respondent did not appear in person and was not represented by counsel 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 Deanne Hutson with Circle City Reporting.

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

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

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

Wall/Balla, 7/0/0
Motion carries

Estil Caton, R.Ph.I., License No. 45018494A, Cause No. 2017 IBP 0005

Respondent did appear in person and was not represented by counsel regarding a Petition to Reinstate 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 Deanne Hutson with Circle City Reporting.

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

Scott Kaczynski, PRN President was sworn in as a witness for the Respondent.

Mr. Caton's intern permit was suspended due to a diversion incident.

He has successfully completed the requirement of his Board order.

Respondents Exhibits:

1 – Letter from Carol Dunham; listing of drug screens from Affinity; letter from Brian Shepler PharmD, Purdue; letter from Jayati Singh, M.D.; letter from Lisa Cree, LMHC, LCAC, ADS; Letter from Alicia Creswell, LMHCA.

December 4, 2016 is his sobriety date. He has three (3) years left on his PRN contract.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REINSTATE Mr. Caton's Intern Permit on INDEFINITE PROBATION until he completes his PRN contract with terms and conditions.

Wall/Balla, 7/0/0
Motion carries

Min Choi, M.D., License No. 01040815B, Cause No. 2017 IBP 0051

Respondent did appear in person and was represented by counsel, Ronald Elberger 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 Deanne Hutson with Circle City Reporting.

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

Mr. Elberger informed the Board that the Respondent was being overly cautious when answering "Yes" on the renewal application.

She has never abused or overprescribed controlled substances. She has not had any action on her DEA permit or Medical license.

She has not had any reprimands from St. Vincent, her current employer.

Respondents Exhibit A:

- Response from counsel Ronald Elberger to AG's Office
- Letter from Gregory Guevara
- VA Service award – 15 years dedication
- Certificate of Completion of VISN II Telehealth Program
- Letter from Diana Carranza, FACHE, Acting Director, VA Hospital
- Letter from Dr. Choi requesting information from VA
- Letter from Stephanie Young, Acting Director, VA Hospital
- Letter from Richard Baron, M.D., MACP, President & CEO of American Board of Internal Medicine
- Email from Ira Brown, MPH, Director of Regional Operations, St Vincent Medical Group – Offer of employment
- Settlement agreement with VA Hospital

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Choi's Controlled Substance Registration.

Smosna/Balla, 7/0/0
Motion carries

Costco Wholesale Corp., License No. 60005679A, Cause No. 2017 IBP 0043

Respondent did appear in person and was represented by counsel, Randall Fearnow regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board.

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

Mark Picard, R.Ph., appeared on behalf of Costco Wholesale Corp.

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 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.

Wall/Landis, 7/0/0
Motion carries

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

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 Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

Mr. Weber informed the Board that Mr. McNamer filed a petition with Marion County to stay the Summary Suspension, a petition for judicial review was also filed. Both were filed this past Wednesday and Mr. Weber has not received anything from the courts as of this morning.

States Exhibit:

B – Letter from Art Czabaniuk, District Director, Detroit District Office

The Board then reviewed the file and discovered that Mr. Elmer's counsel had not been sent notice of this hearing.

States exhibit B had been handed out, but has not been reviewed. Mr. Weber immediately collected the exhibit.

The Board then made a motion to reset this matter for the October 2, 2017 meeting.

Landis/Smosna, 7/0/0
Motion carries

Michael Eltzroth, R.Ph., License No. 26017515A, Cause No. 2017 IBP 0039

Respondent did not appear in person and was not represented by counsel 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 Deanne Hutson with Circle City Reporting.

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

The Respondent ran an inspect report on 'Prince' Nelson without authority to do so.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and twelve (12) hours total of CONTINUING EDUCATION. Six (6) hours in privacy and six (6) hours in ethics and a FINE of \$1,000.

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

Balla/Smosna, 7/0/0
Motion carries

Angela Foli, R.Ph., License No. 26019496A, Cause No. 2017 IBP 0042

Respondent did appear in person and was represented by counsel, Anthony Spahr regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board.

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

A settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and twelve (12) hours of CONTINUING EDUCATION, with six (6) in leadership/management and six (6) in ethics.

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

Smosna/Landis, 7/0/0
Motion carries

Kimberly Henson, R.Ph., License No. 26017650A, Cause No. 2017 IBP 0040

Respondent did not appear in person and was not represented by counsel 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 Deanne Hutson with Circle City Reporting.

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

The Respondent ran an inspect report on 'Prince' Nelson without authority to do so.

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

REPRIMAND and twelve (12) hours total of CONTINUING EDUCATION. Six (6) hours in privacy and six (6) hours in ethics and a FINE of \$1,000.

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

Fanning/Landis, 7/0/0
Motion carries

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

Respondent did appear in person and was represented by counsel Ned Malinkovich regarding a Petition to Withdraw 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 Deanne Hutson with Circle City Reporting.

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

Joshua Lambert, Pharmacy Supervisor appeared on behalf of Hook-SupeRx, Inc.

Mr. Lambert reported that Jodi Caylor has taken continuing education and he submitted proof of such. He also indicated they have put into place double checks.

Please let the record reflect that Winnie Landis recused herself at this time and left the room.

Respondents Exhibits:

- 1 – CE Certificates – thirteen (13) hours completed
- 2 – Quality assurance procedures
- 3 – Policy regarding all filling and dispensing medications. Did not submit to the Board as it needs redacted and then will be submitted

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.

Smosna/Balla, 6/0/0
Motion carries

Hook-SupeRx, LLC d/b/a CVS/pharmacy #6663, License No. 60004550A, Cause No. 2017 IBP 0046

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General's Office

and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

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

Wall/Fanning, 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 an Extension of 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 Deanne Hutson with Circle City Reporting.

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

Zaneta Nunnally, Compliance Director, Timothy Thomas, Diversion Officer and Ashley Crawford, Compliance Educator with the Indiana Professional Licensing Agency were all sworn in as witnesses for the State.

Ms. Nunnally testified that she was present during the inspection on August 11, 2017 as well as the follow-up inspection on September 8, 2017 and she stated that the deficiencies which placed the facility on summary suspension has been satisfactorily improved.

Some of the concerns that were documented on a 2014 inspection were still a problem and was documented on the August 2017 corrective action plan report after the inspection.

Ms. Nunnally indicated Lincare was placed on a corrective action plan in 2014. Some of those same violations as well as additional ones were found during the August 11, 2017 inspection which led them to be placed on Summary Suspension by the Board.

They have a new pharmacist in charge and the compliance officers have seen a change in the way they practice.

States Exhibit:

A – Inspection report from a third party, ENV services

Mr. Weber indicated to the Board that the State will be filing a formal complaint with the Board shortly.

After having considered the evidence presented, testimony of the witness and taking its file into consideration the Board moved to TERMINATE the SUMMARY SUSPENSION.

Wall/Wilson, 7/0/0

Motion carries

Medisca, Inc., License No's. 48000684A & 48002142A, Cause No. 2016 IBP 0103

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 Deanne Hutson with Circle City Reporting.

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

Shaina Thornhill, Regulation Affairs Representative appeared on behalf of Medisca.

Ms. Thornhill testified that all of Medisca licenses that have previously been on probation have had the probation status withdrawn. Indiana is the only license that still has probation.

She reminded the Board that Medisca was placed on Probation in NY and NV after they were charged with misbranding by the FDA. They had to forfeit 1.2 million in profits.

Respondents Exhibits:

- 1 – Overview of disciplinary action
- 2 – Proof of GMP compliance
- 3 – FDA Case

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 from both licenses.

Wall/Landis, 7/0/0

Motion carries

Olusola Olowe, M.D., License No. 01067735B, Cause No. 2017 IBP 0052

Respondent did appear in person and was represented by counsel, Drew Howk regarding an Order to Show Cause scheduled before the Board. The state of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

Dr. Olowe answered "Yes" to the following questions on his controlled substances registration renewal:

4. Since you last renewed, have you had any action, discipline, revocation, or surrender of your DEA or entered into any settlement or MOU with respect to said registration?
5. Since you last renewed, have you had any action, discipline, revocation, or surrender of any professional license in any jurisdiction related to controlled substances?

Dr. Olowe indicated he has had action taken on his Illinois license back in 2015. He was placed on three (3) years' probation and his controlled substances registration was indefinitely suspended with requirements to reinstate. His hearing is scheduled for November 2017.

In 2010 he joined an established group in Illinois. The practice was selecting the patients he would see and set the appointments for them. He had no idea of how the patients were paying.

In 2011 he stopped seeing patients that were coming a long distance to see them and stopped prescribing certain drugs. Some of the patients were driving over 400 miles up from Kentucky.

Illinois requires him to have a practice monitor, but he is not currently practicing.

Respondents Exhibits:

- 1 – Copy of Illinois action – consent order
- 2 – NPDB Report
- 3 – Illinois Probation compliance quarterly report form
- 4 – Ethics & boundaries w/ EBSA exam
- 5 – Assessment & evaluation with Weldon Cooke, M.D., LLC & their approach in treating pain patients
- 6 – Illinois complaint

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the Respondents CSR renewal on INDEFINITE PROBATION for one (1) year with terms and conditions.

The Board also requested that staff inform the Medical Board staff of this.

Wall/Landis, 7/0/0

Motion carries

Charles Stout, R.Ph., License No. 26025187A, Cause No. 2017 IBP 0045

Respondent did not appear in person and was represented by counsel, Ned Milkenkovich 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 Deanne Hutson with Circle City Reporting.

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

A settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and twelve (12) hours of CONTINUING EDUCATION, with six (6) in leadership/management and six (6) in ethics.

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

Smosna/Wilson, 7/0/0
Motion carries

Alison Jones (Gerdt) C. Ph.T., License No. 67013432A, Cause No. 2016 IBP 0090

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default & Discipline Hearing scheduled before the Board. The State of Indiana was represented by Matthew Daly, Certified Legal Intern and Kelly Haltom, Deputy Attorney General and the court reporter sworn in for this matter was Deanne Hutson with Circle City Reporting.

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

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.

Fanning/Wall, 7/0/0
Motion carries

The Respondent diverted legend drugs from her employer. The drugs consisted of Buspirone, 14 tablets and Omeprazole, 30 tablets.

States Exhibits:

B – Certified copy of employee file

C – Certified copy of asset protection report

She was filling her own prescriptions and adding more tablets to each prescription.

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/Fanning, 4/3/0 with Ms. Landis and Mr.'s Wilson and Anderson opposed
Motion carries

DISCUSSION

Rules

Sterile Compounding rule update:

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

The rule is still with the Governor's Office for preliminary review.

The committee had their first 795 meeting and are getting an outline together.

INSPECT Report – Kara Slusser, Inspect 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.

Ms. Slusser informed the Board that she attended a meeting in Washington D.C. on September 5th organized by the Regional Judicial Opioid Initiative. Select PDMP Administrators met with representatives from Health and Human services and child protective services to discuss the possibility of using PDMP data in CPS cases.

She also attended the Harold Rogers PDMP National meeting on September 6th - 8th and the following were the topics of discussion:

- Adding diagnosis codes to opioid prescriptions
- Treatment facilities using the PDMP at intake
- State/Federal collaboration
- Additional grant funding opportunities

The PLA 151 working group has been established and they are looking at having their first meeting this month.

On August 31, 2017, PLA was informed that we had been awarded the additional grant funding that was applied for in July. Grant funds will be used to establish a CE program