

## INDIANA BOARD OF PHARMACY

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(240) 454-0887 and entering meeting room # 610 915 440

### MINUTES OF SEPTEMBER 14, 2020

Steve Anderson, R.Ph., Vice President, called the meeting to order at 8:06 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted on line at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present by Telephone: Mark Smosna, R.Ph., Member  
Donna Wall, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Steve Anderson, R.Ph., Vice President

Members Absent: Matt Balla, R.Ph., President

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

The Board voted by roll call to adopt the agenda.

Wall/Smosna, 4/0/0  
Motion carries

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

The following board members objected: none

The following board members abstained: none

### FULL BOARD APPEARANCES

Virginia Caine, M.D., Director Public Health, Marion Co. Health Department, Tammy Nelson, MPH, CHP, Epidemiology Manager, Overdose Data to Action Grant Coordinator, Health & Hosp. Corp., Marion County Public Health Dept – INSPECT:

**Data request:**

Tammy Nelson, MPH, CHP Epidemiology Manager, Overdose Data to Action Grant Coordinator, Health & Hospital Corp., Marion Co Health Dept appeared on behalf of this request.

Since 2010 Indiana has almost doubled in overdose deaths. One (1) in five (5) is an opioid overdose.

The following changes were made after the Board expressed their concerns at the August meeting:

- No information that could identify a patient, prescriber or pharmacy will be provided to MCPHD
- Record linkage for the person-level study will be conducted by Indiana's Management Performance Hub and all records will be de-identified prior to transfer to MCPHD
- The only prescriber/pharmacy information to be provided to MCPHD is profession (ex: MD, DDS) specialty and census tract.
  - MCPHD will target interventions (academic detailing and opioid action kits) to census tracts containing providers who prescribe at a significant higher MME than other providers in their same profession and specialty.
- Because only census tracts will be identified, all prescribers in identified census tracts will be provided with intervention activities.
- A census tract is defined as: Small, relatively permanent statistical subdivisions of a County with a population size between 1,200 and 8,000 people (optimum size of 4,000) depending on population density.

Updated data fields they are requesting are:

- PDMP record number/unique ID
- Date of prescription
- Date of fill
- National Drug Code (NDC) number
- Days of supply
- Drug schedule classification
- Duration of action (long-acting or short-acting)
- Morphine milligram equivalents (MME) or morphine equivalent dosages (MED)
- Method of payment
- Patient race/ethnicity
- Patient age group (5-year census grouping)
- Patient zip code
- Patient gender
- Prescriber census tract
- Prescriber profession type
- Prescriber specialty
- Filling pharmacy census tract

After discussion, the Board moved to APPROVE their request for INSPECT DATA with the revisions made.

Smosna/Landis, 4/0/0  
Motion carries

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

**Richard Palombo, R.Ph., D.Ph., Express Scripts/Accredo Variance Request of 1-35-1(F):**

The following information was presented to the Board at their July 2020 meeting:

Accredo (Express Scripts) currently has a variance of 856 IAC 1-36-7 that ends in July 6, 2020 that allows technicians to work from home.

They are requesting a new variance of 846 IAC 1-35-1 for remote pharmacy technician supervision. The pharmacist is responsible for the work performed by the pharmacy technician under the pharmacist supervision, either through direct supervision or through a secured technologic means approved by the Board.

They have had a very successful three (3) years of technicians working from home. They have not had any concerns with technicians working from home. They have less distractions and lower absenteeism.

They currently have 130 Pharmacists and 150 Technicians working from home.

Variance requests must be on the Board's agenda three times before the Board can vote on the issue. This will be the third time this variance request has been presented to the Board.

After reviewing the previous variance and the new variance request, the Board determined there was enough of a quantitate difference to qualify for a new variance. The Board voted by roll call to APPROVE the new variance.

Wall/Landis, 4/0/0  
Motion carries

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

**LaPorte Hospital Company, Jeremy Blosser, R.Ph., Director of Pharmacy – Remote Location App:**

Mr. Blosser explained that the infusion center will remain in the “old” building until the new hospital is built. It will remain there for at least another year. All orders will be reviewed, and they can walk the drugs over.

They will use an Omnicell machine.

After discussion, the Board moved to APPROVE the remote location application for LaPorte Hospital Company.

Wall/Smosna, 4/0/0  
Motion carries

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

**Flywheel Healthcare, LLC d/b/a Young at Heart Distribution – Wholesale Drug Distributor App – Requesting a Provisional License:**

Barry Hart appeared on behalf of this application. He informed the Board that they are using NAPB Solutions to assist them in completing their VAWD application.

After discussion, the Board moved to APPROVE the PROVISIONAL LICENSE for Flywheel Healthcare d/b/a Young at Heart Distribution.

Smosna/Landis, 4/0/0  
Motion carries

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

**Option Care Enterprises d/b/a Option Care – Non Resident App – Positive Response and Sterile Compounding:**

Alexandra Demello appeared on behalf of this application.

This pharmacy is one of over seventy-five (75) home infusion pharmacies under common ownership. While the licenses of all the pharmacies are active and in good standing, some have had disciplinary action taken in the past.

Ms. Demello went through the most current disciplinary actions with the Board.

They ship only patient specific medications. They are working with Mayo Clinic in

Minnesota to supply drugs to Mayo patients in all states. Currently there are only three (3) patients in Indiana.

After discussion, the Board moved to APPROVE Option Care Enterprises d/b/a Option Care's non-resident application PENDING receipt and review of their last Minnesota inspection compliance report.

Landis/Smosna, 4/0/0  
Motion carries

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

**Marie Canine Cancer Center – Remote Location App/Nucleus Machine:**

Kelly Dugger, Manager Pharmacy Services appeared regarding this matter and Robert Riley appeared regarding the Nucleus machine.

Mr. Riley explained to the Board how the Nucleus machine works.

If there is a power failure, there is a two (2) key entry that can unlock the cabinet so they still have access to the medications.

Everyone has their own unique identification information. The pharmacist will restock the machine.

After discussion, the Board moved to APPROVE the Nucleus Machine and Marie Canine Cancer Center's remote location application.

Wall/Landis, 4/0/0  
Motion carries

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

**Jennifer Weil, Ph.D., Lewin, Managing Consultant, Program Design, Implementation & Improvement – INSPECT Data Request:**

Jennifer Weil and Dave Schafer were both present regarding this matter.

Laura indicated that she and Nicole Schuster will meet with Jennifer and Dave to see if they can get this figured out.

After discussion, the Board moved to TABLE this request.

CONSENSUS  
Motion carries

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

**NABP STERILE COMPOUNDING INSPECTION TRAINING FOR COMPLIANCE OFFICERS:**

Kara Slusser, INSPECT Director and Zaneta Nunnally, Compliance Director were both in attendance for this matter.

Ms. Nunnally informed the Board that in previous years the Board has sent two (2) Compliance Officers to this meeting. NAPB will pay for one (1). Zaneta requested the Board to consider paying for the second (2<sup>nd</sup>) Compliance Officer. The cost would be \$1,000.

After discussion, the Board moved to APPROVE the \$1,000 funding for the second (2<sup>nd</sup>) Compliance Officer.

Smosna/Wall, 4/0/0  
Motion carries

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

**PERSONAL APPEARANCES**

The following personal appearance(s) were continued:

- Donna Weaver, Ph.T., License #67003685A
- Dalisa Leavelle-Tubbs, Ph.T., License #67029976A
- Brandon Sadler, Ph.I., License #45021184A

**Obinna Anowai, R.Ph., MPJE Repeat Exam App:**

Obinna Anowai appeared telephonically before the Board and was not represented by counsel to discuss his studying habits with the Board.

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

Smosna/Landis, 4/0/0,  
Motion carries

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

**Emily Springer, R.Ph., MPJE Repeat Exam App:**

Emily Springer appeared telephonically before the Board and was not represented by counsel to discuss her studying habits with the Board.

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

Wall/Landis, 4/0/0  
Motion carries

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

**Mohamed Gabr, R.Ph., NAPLEX Repeat Exam App:**

Mohamed Gabr appeared telephonically before the Board and was not represented by counsel to discuss his studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Mr. Gabr's NAPLEX repeat exam application.

Wall/Smosna, 4/0/0  
Motion carries

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

**Elaine Pepmeier R.Ph., Lucas Beard and Dayton Poe – Training without a Training Permit:**

Elaine Pepmeier, Lucas Beard and Dayton Poe all appeared telephonically before the Board and was not represented by counsel.

Ms. Pepmeier is the supervising pharmacist for Lucas Beard and Dayton Poe. She had them both training without a technician training permit. The Board staff found this out when Ms. Pepmeier sent in the certificate of completion for both gentlemen.

The Board discussed this matter with Ms. Pepmeier, who indicated she thought their permits had been issued.

After discussion, the Board voted by roll call to APPROVE Mr Beard and Mr. Poe's technician applications.

Wall/Landis, 4/0/0  
Motion carries

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

**Haley Joyner, License #45021308A, Renewal Positive Response:**

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

Ms. Joyner informed the Board that she received a DUI in Indiana but lives in Florida. She transferred the court probation to Florida.

The judge in Indiana signed an early release so she is off probation in Indiana but must still complete it in Florida.

The Board received a status report from the Probation office which indicated it was satisfactorily completed today.

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

Wall/Smosna, 4/0/0  
Motion carries

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

**Terri Washington, R.Ph., License #26021491A Renewal Positive Response:**

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



Tracy Trout, IPRP informed the Board that Ms. Washington has no issues with her contract.

On January 25, 2020 while in Texas, Ms. Washington was arrested for drinking and driving with a child in her car.

After discussion, the Board voted by roll call to RENEW and FILE A COMPLAINT on Ms. Washington's license.

Wall/Landis, 4/0/0  
Motion carries

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

**Timothy Wee, R.Ph., License #26019040A, Renewal Positive Response:**

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

Mr. Wee's license in California is on probation for six (6) years from Marcy 7, 2019.

Tracy Trout, IPRP informed the Board that she met with Mr. Wee on July 7, 2020 and he does not meet the criteria for monitoring. But since he is being monitored in California, they put him on a contract so the program in California can send Indiana documentation.

He was convicted of a DUI in August 2017.

After discussion, the Board voted by roll call to APPROVE Mr. Wee's license RENEWAL on AGREED INDEFINITE PROBATION with terms and conditions.

Wall/Anderson, 4/0/0  
Motion carries

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

**Nathaniel Lucas, R.Ph., License #26022777A Renewal Positive Response:**

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

In June 2020, Mr. Lucas received an OWI. He received early release from the Courts on August 12, 2020.

After discussion, the Board voted by roll call to APPROVE Mr. Lucas' license RENEWAL.

Smosna/Landis, 4/0/0  
Motion carries

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

**Brian LaPagalia, Ph.T., License #67027435A Renewal Positive Response:**

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

He was arrested for possession of Marijuana. He completed his court probation approximately ten (10) days ago.

After discussion, the Board voted by roll call to APPROVE Mr. LaPagalia's license RENEWAL.

Wall/Landis, 4/0/0  
Motion carries

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

**Ignacio Contreras, Ph.T., License #67033531A, Renewal Positive Response:**

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

Mr. Contreras was convicted of Domestic Battery resulting in Bodily Injury and Criminal Recklessness.

His court probation was supposed to end in August, but because he has not completed the AIM Classes he is still on probation. There are twenty-six (26) weeks of classes and he has only completed seven (7). He has a court date tomorrow to discuss this with the judge.

He stated he also sees a therapist.

After discussion, the Board voted by roll call to APPROVE Mr. Contreras' license RENEWAL on AGREED INDEFINITE PROBATION with terms and conditions.

Wall/Landis, 4/0/0  
Motion carries

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

**Krista Bryant-Dill, Ph.T., License #67013274A Renewal Positive Response:**

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

Ms. Bryant-Dill submitted two (2) letters of support to the Board. Her court case is still pending.

After discussion, the Board voted by roll call to RENEW and FILE A COMPLAINT on Ms. Bryant-Dill's license.

Wall/Smosna, 4/0/0  
Motion carries

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

**ADMINISTRATIVE HEARINGS**

The following hearings were withdrawn or continued:

**Caroline Payne, R.Ph., License No. 26017834A, Cause No. 2016 IBP 0089: withdrawn**  
**Intrathecal Compounding Specialist, License No. 64000848A Cause No. 2020 IBP**  
**0019: continued**

**Julie Eloise Self, R.Ph., License No. 26017907A, Cause No. 2016 IBP 0063**

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Reinstate scheduled before the Board. The State of Indiana was represented by Patricia Gipson, Deputy Attorney General and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically

Tye Dominguez, Clinical Case Manager with IPRP was sworn in as a witness.

The Respondent indicated her sobriety date in March 18, 2015. She stated her license was suspended by the Board on July 14, 2016.

Mr. Dominguez testified that Ms. Self signed an RMA with IPRP on August 14, 2020. She had two (2) drug screens; first one on August 10, 202 which was negative; second one on September 4, 2020 and it was positive for alcohol. She is currently assigned sixteen (16) drug screens per year.

Ms. Self also stated that she went to Centerstone recover program for six (6) months and that she is current on her continuing education.

She is not attending AA/NA meetings and does not have a sponsor.

After having considered the evidence presented, testimony of the witness and taking official, judicial notice of the pleadings, evidence, and order in this matter the Board voted by roll call to DENY the Respondent's petition to reinstate.

Wall/Smosna, 4/0/0  
Motion carries

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

**Brandon Stewart Beaman, R.Ph., License No. 26022050A, Cause No. 2016 IBP 0098**

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Modify or Withdraw Probation 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, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

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

Ms. Traut testified that Mr. Beaman signed a contract with IPRP on December 1, 2018 and he successfully completed it on December 3, 2019. All fourteen (14) urine drug screens were negative. She stated she has no concerns should the Board withdraw his probation.

Mr. Beaman stated that his family and friends are his support system and he does physical exercise to help with stress.

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 voted by roll call to WITHDRAW the Order of Probation.

Smosna/Landis, 4/0/0

Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

The following board members objected: none

The following board members abstained: none

**Emily Paige Mozwecz, Ph.T., License No. 67034291A, Cause No. 2019 IBP 0026**

Respondent did not appear telephonically and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Erica Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

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

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

Landis/Smosna, 4/0/0

Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

The following board members objected: none

The following board members abstained: none

In April 2019, the Board renewed the Respondent's license on Agreed Indefinite Probation with the stipulation she sign a contract with IPRP for monitoring.

Ms. Traut testified that the Respondent did sign a contract and was non-compliant. She tested positive on several occasions: July 30<sup>th</sup>, August 19<sup>th</sup>, and December 3<sup>rd</sup> 2019. The Respondent then contacted Ms. Traut and requested to have her contact closed. Ms. Traut said she has real concerns regarding Ms. Mozwecz working in a pharmacy.

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 voted by roll call to REVOKE the Respondent's license.

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 voted by roll call to WITHDRAW the Order of Probation.

Landis/Wall, 4/0/0

Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

The following board members objected: none

The following board members abstained: none

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

Respondent did not appear telephonically and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter, Lindy Meyer 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 RECOVATION of the Respondent's license.

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/Smosna, 4/0/0  
Motion carries

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

**Patricia L. Bryant, R.Ph., License No. 26017834A, Cause No. 2019 IBP 0060**

Respondent appeared telephonically and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Winnie Landis, Board Member informed both parties that she is employed with CVS but does not know the Respondent and feels she can be impartial. Both parties agreed that Ms. Landis can participate in the hearing.

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 may not withdraw for one (1) year 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.

Smosna/Wall, 4/0/0  
Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

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

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

Respondent appeared telephonically and was not represented by counsel regarding a Modification of Probation 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, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Winnie Landis, Board Member indicated she is face book friends with the Respondent only as they are both Purdue Graduates. She does not know him. Both parties agreed to allow Ms. Landis to participate.

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

Mr. Potts informed the Board that he is in one-hundred percent (100%) compliance with his Illinois PHP contract.

His support consists of his wife, father, Pastor, and his friends. When he is feeling stressed, he communicates with his wife and others from his support system.

Ms. Traut testified that he has not received any positive urine drug screens and has been fully compliant with both programs. His IPRP contract is until 2021 and they support his request to have the probation modified.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board voted by roll call to MODIFY the INDEFINITE PROBATION by removing term 1(d) that prevents the Petitioner from being a qualified pharmacist while on probation.

Wall/Smosna, 4/0/0  
Motion carries

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

**Corinne Renee Pruet, R.Ph., License No. 26021919A, Cause No. 2020 IBP 0016**

Respondent did not appear telephonically and was represented by counsel, Harold Hilburn regarding a Final Hearing and License Renewal 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, Lindy Meyer with Accurate Reporting Services also appeared telephonically.

Winnie Landis, Board Member informed both parties that she is employed with CVS but does not know the Respondent and feels she can be impartial. Both parties agreed that Ms. Landis can participate in the hearing.

A proposed settlement agreement between the Respondent, her counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION for one (1) year 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.

Wall/Smosna, 4/0/0  
Motion carries

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

**Walgreen Co. #6733, License No. 60005645A, Cause No. 2020 IBP 0017**

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

Mark Smosna informed the parties that he previously worked for Walgreens, but this was not one of the stores he oversaw and felt he could be impartial. Mr. Eldridge agreed he could participate.

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented the to Board. The proposed settlement agreement included a Letter of Reprimand.

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/Wall, 4/0/0  
Motion carries

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



Drugs list:

- a. Isotonitazene

Smosna/Wall, 4/0/0

Motion carries

The following board members voted aye:

Donna Wall, Steve Anderson, Winnie Landis, Mark Smosna

The following board members voted nay: none

The following board members abstained: none

**Rules Discussion:**

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

Ms. Turner gave the Board a rundown of the rules and where they stand:

Ambulance Rule:

- Notice of intent filed

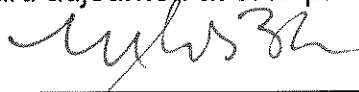
Remote Data Entry Rule:

- Moratorium exception approved so the board can move forward with this rule

The Board needs to come up with exceptions for the e-prescribing rules that are effective 1/1/21. There are some exceptions in statute already that were suggested by ISMA.

A rule summary of all open rules has been posted in share-point for the members to review. Please review and let Ms. Turner know what they feel the order of importance should be.

There being no further business the Board adjourned at 3:48 p.m.



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Matt Balla, R.Ph., President



\_\_\_\_\_  
Steve Anderson, R.Ph., Vice President

## DISUCSSION

### Zaneta Nunnally – Compliance Director – Report:

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

Ms. Nunnally reported the following:

- 101 Inspections were performed for the month of August
- 52 Pharmacies
- 13 Home Medical Equipment Facilities
- 36 Controlled Substance Registrations
- 24 Deficiencies were found
- 00 Pharmacy robberies for the month of December

The Board thanked Ms. Nunnally for her report.

### Caroline Payne Order:

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

Ms. Turner informed the Board that the Board previously denied a settlement agreement for indefinite probation; then approved a new settlement agreement for indefinite suspension. When the order went out it had the probation agreement attached to it. The Board needs to correct this error.

After discussion, the Board moved to send out an amended order with the suspension agreement attached.

Smosna/Wall, 4/0/0

Motion carries

Donna Wall, Winnie Landis, Steve Anderson, Mark Smosna

The following board members objected: none

The following board members abstained: none

### Emergency Drug Scheduling of Synthetic Drugs:

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

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

It is scheduled by Alabama and Florida.

The Board moved to ADOPT the emergency Rule adding the following to the Synthetic