

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

**MINUTES OF NOVEMBER 5, 2018**

Winnie Landis, R.Ph., President, called the meeting to order at 8:38 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: Winnie Landis, R.Ph., President  
Del Fanning, R.Ph., Member  
Mark Smosna, R.Ph., Vice President  
Steve Anderson, R.Ph., Member  
Matt Balla, R.Ph., Member (out at 4pm)

Member Absent: Donna Wall, R.Ph., Member

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

The Board voted to adopt the agenda as amended.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Winnie Landis, Del Fanning, Matt Balla, Steve Anderson, Mark Smosna

The following board members voted nay: none

The following board members abstained: none

The Board voted to adopt the minutes for the September 10, 2018 and October 1, 2018 meetings as written.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Winnie Landis, Del Fanning, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

Mr. Covington announced that member John Wilson, J.D. has resigned from the Board.

### **FULL BOARD APPEARANCES**

#### **JR Pharmacy – Remote Dispensing Facility App:**

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

Scott Bowsher appeared on behalf of this matter.

The pharmacy will be in an office/clinic attended by physicians. The customers of the pharmacy must be patients of the clinic in order to get their prescriptions filled.

After discussion, the Board moved to TABLE the application to determine if they can issue another remote dispensing facility within a 10 mile range of the previous one approved.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Winnie Landis, Del Fanning, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

#### **MGH Express – Marion General Hospital – Charles Ifeachor, Administrative Director of Pharmacy – Remote Location App:**

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

A Pyxis machine will be put in a room behind the nurse's station. The pharmacy staff will restock the machine. They will not have controlled substances.

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

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Matt Balla, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

**Parkdale Group - Indiana Professional Recovery Program (IPRP) – Update on transition:**

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

Terry Harman, PHD, LACA, LMHC, LMFT, Medical Director appeared before the Board to give an update on the transition on the pharmacist assistance program.

He indicated the transition should be complete on October 15, 2018. At this time they have twenty-seven (27) participants and two (2) student participants. They have four (4) more scheduled intakes in November.

Dr. Harman indicated that their evaluation is free, but the practitioner must travel to their location.

The Board thanked Dr. Harman for his report.

**PROBATIONARY APPEARANCES**

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

The following made their probationary appearance:

Charles McGee  
Philip Simpson  
Melanie Arving  
Troy Martin  
Kristina Luers

**PERSONAL APPEARANCES**

The following did not appear for their scheduled personal appearances and will be rescheduled:

- Jennifer Hicklin – 67021520A Reinstatement Renewal
- Matthew Velten – 45019780A Intern Permit Renewal
- Samantha Gardnet – Tech App – Continued
- Stacey Stevens – Tech in Training App

**Hsi Hsu, MPJE Repeat Exam App:**

Mr. Hsu appeared before the Board and discussed his studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Mr. Hsu's MPJE repeat exam application.

Smosna/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Philip Yuan, MPJE Repeat Exam App:**

Mr. Yuan appeared before the Board and discussed his studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Mr. Yuan's MPJE repeat exam application.

Balla/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Noor Abdulsahib, NAPLEX Repeat Exam App:**

Ms. Abdulsahib appeared before the Board and discussed her studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Ms. Abdulsahib's NAPLEX repeat exam application.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Jace Biggs, MPJE Repeat Exam App:**

Mr. Biggs appeared before the Board and discussed his studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Mr. Bibbs' MPJE repeat exam application.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Sandrine Mbouyo, MPJE Repeat Exam App:**

Ms. Mbouyo appeared before the Board and discussed her studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Ms. Mbouyo's MPJE repeat exam application.

Balla/Smosna, 5/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Ann Xi, MPJE Repeat Exam App:**

Ms. Xi appeared before the Board and discussed her studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Ms. Xi's MPJE repeat exam application.

Balla/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Mihika Patel, NAPLEX Repeat Exam App:**

Mr. Patel appeared before the Board and discussed his studying habits.

Participating Members: Matt Balla, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Del Fanning, R.Ph.

After discussion, the Board moved to APPROVE Mr. Patel's MPJE repeat exam application.

Smosna/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Donna Zehner, 67006271A Reinstatement Renewal App:**

Ms. Zehner appeared before the Board regarding her reinstatement renewal application and was not represented by counsel.

Participating Members: Winnie Landis, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph.

Ms. Bauer has recently been employed by Wal-Mart Pharmacy. Ms. Bauer submitted a letter from Wal-Mart indicating they will put her through their training program once she has an active license.

After discussion, the Board APPROVED Ms. Zehner's reinstatement renewal application.

Smosna/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**Latasha Chapman, 67019902A Reinstatement Renewal App:**

Ms. Chapman appeared before the Board regarding her reinstatement renewal application and was not represented by counsel.

Participating Members: Winnie Landis, R.Ph., Del Fanning, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph.

Ms. Chapman has recently been employed by CVS Pharmacy. Ms. Chapman submitted a letter from CVS indicating they will put her through their training program once she has an active license.

After discussion, the Board APPROVED Ms. Chapman's reinstatement renewal application.

Smosna/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**Eliesha Pierce, 67003051A Reinstatement Renewal App:**

Ms. Pierce appeared before the Compliance Committee regarding her reinstatement renewal application and was not represented by counsel.

Participating Members: Matt Balla, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph.

She last practiced as a technician fourteen (14) years ago.

After discussion, the full Board moved to APPROVE Ms. Pierce's reinstatement renewal application PENDING receipt of a letter from an employer that they will put her through their approved technician training program. She has until February 1, 2018 to submit the documentation.

Smosna/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**Mark Drugs Northshore – Non Resident App:**

Craig Batogowski, R.Ph., Compounding Pharmacist appeared before the Board regarding this Non Resident application and was not represented by counsel.

Mr. Batogowski submitted a new environmental testing report for the Board to review.

He indicated Illinois tests randomly and tests on facilities with complaints.

Mark Drugs does environmental testing every six (6) months.

After discussion, the Board moved to APPROVE Mark Drugs Northshore's Non Resident application.

Anderson/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**Pharmaceutical Specialties d/b/a Hoyer's Pharmacy – Non Resident App:**

Kathy Hoyer, Technician and Beverly Clark appeared before the Board regarding this Non Resident application and were not represented by counsel.



In 2015, they had action taken by the Florida Board for filling a prescription of a deceased physician. The physician's partner was using pre-signed prescriptions from the deceased physician.

They also had issues with compounding. Florida does yearly inspections. They are up for renewal in February 2019 so they hope to have a new inspection prior to renewal.

They are licensed in twenty-five (25) states.

After discussion, the Board moved to APPROVE the Non Resident application PENDING a new Florida inspection report. Steven Anderson will review the report once received.

Anderson/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**Genesis Enterprises d/b/a Genesis Pharmacy Services – Non Resident App:**  
Matthew Fessler appeared before the Board regarding this Non Resident application and was not represented by counsel.

Mr. Fessler informed the Board that they are based in Missouri and they have licenses in nine (9) other states.

They check for expired drugs monthly and are inspected annually.

After discussion, the Board moved to APPROVE the Non Resident application. The Board also requested that the facility send copies of any prescriptions for their first year of business. Steve Anderson will review the documents when received.

Anderson/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**Stacy Fletcher, Tech in Training App:**

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

Ms. Fletcher indicated that before she and her ex-husband divorced there was a lot of yelling and arguing. It was a he said, she said situation and they were both arrested.

She is currently working in Kentucky and wants to relocate to CVS in Evansville Indiana.

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

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

**John Shafer, Intern Permit App:**

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

Terry Harman, IPRP was sworn in as a witness in this matter.

In January 2017, Mr. Shafer's technician license was revoked by the Board for diverting one (1) bottle of Diazepam.

Mr. Shafer is enrolled in the pharmacy program at Purdue University. He doesn't think they are aware of this situation.

Mr. Harman testified that he evaluated Mr. Shafer on October 3<sup>rd</sup> and he doesn't meet the level for substance-abuse. But at this time he hasn't done the drug screen.

Mr. Shafer indicated he hadn't done the drug screen as there was an issue with the registration.

After discussion, the Board moved to TABLE this application until Mr. Shafer returns with a signed contract with IPRP and a letter from Purdue that they are aware of this issue.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna  
The following board members voted nay: none  
The following board members abstained: none

### **ADMINISTRATIVE HEARINGS**

The following administrative hearings were continued:

- **Janice Wilson, R.Ph., License No. 26015287A, Cause No. 2017 IBP 0085**

#### **Cantrell Drug Company, License No. 48002294A, Cause No. 2018 IBP 0035**

Respondent did not appear in person and was not represented by counsel regarding a Proposed Settlement Agreement/Final 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.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION until they obtain their VAWD accreditation.

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

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

#### **Tamara Brugh, Ph.T., License No. 67031284A, Cause No. 2017 IBP 0096**

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 Sherri Rutledge with Rutledge Independent Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Gianna Graham, Ph.T., License No. 67030515A, Cause No. 2018 IBP 0042**

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 Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Balla/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

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

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included an EXTENSION of SUMMARY SUSPENSION through the December 10, 2018 Board meeting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Smosna/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Shawntelle Morris, Ph.T., License No. 67021660A, Cause No. 2018 IBP 0032**

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 Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

State Exhibit B – plea agreement

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Richard Sarna, R.Ph., License No. 26025399A, Cause No. 2018 IBP 0023**

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 Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Brandy Camp, Ph.T., License No. 67025303A, Cause No. 2018 IBP 0041**

Respondent did not appear in person and was not represented by counsel regarding an Appeal of Denial of Renewal Application scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Jude Olesh, R.Ph.I., License No. 45020302A, Cause No. 2017 IBP 0097**

Respondent did not appear in person and was not represented by counsel regarding a Final 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.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION for not less than six (6) months with terms and conditions.

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

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Andrew Smith, P.T.I.T., License No. 99083626A, Cause No. 2018 IBP 0018**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension Extension & Final 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.

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

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board further moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Tiffany Williams, Ph.T., License No. 67018315A, Cause No. 2018 IBP 0046**

Respondent did not appear in person and was not represented by counsel regarding a Final 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.

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 official, judicial notice of the pleadings, evidence and orders in this matter the Board move to APPROVE the SETTLEMENT AGREEMENT.

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none  
The following board members abstained: none

**Cindy Narvaez Espinosa, P.T.I.T., License No. 99081965A, Cause no. 2018 IBP 0020**

Respondent did not appear in person and was not represented by counsel regarding a Default 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 was Sherri Rutledge with Rutledge Independent Reporting.

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

Fanning/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

In an interview with Scott Wilson, Ms. Narvaez Espinosa admitted that she stole the medication containing thirty (30) tablets of Phentermine.

States Exhibits:

A – Affidavit of Brian Pier  
B – Employee records

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REVOKE the Respondent's license.

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

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

Respondent did not appear in person and was not represented by counsel regarding a Default Hearing 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 Sherri Rutledge with Rutledge Independent Reporting.

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

Fanning/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

Ms. Parker admitted to Police that she diverted approximately 180 Hydrocodone pills from her employer.

States Exhibits:

- A – court documents
- B – employment records
- C – affidavit of Detective Tumidalsky
- D – criminal documents showing plea agreement

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REVOKE the Respondent's license.

Fanning/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

### DISCUSSION

#### INSPECT Report – Kara Slusser, Inspect Director:

Participating Members: Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph.

Ms. Slusser gave her report to the Board.

**Zaneta Nunnally – Compliance Director – Report:**

Participating Members: Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph.

Zaneta Nunnally submitted a paper report to the Board for review as she was not in attendance. The report included the following:

- 91 inspections were performed for the month of January
  - 50 Pharmacies
  - 8 Home Medical Equipment Facilities
  - 33 Controlled Substance Registrations
  
- 1 deficiencies were found
- 1 consumer complaints filed

**CE Audit Update – Jody Edens, Assistant Board Director:**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

Ms. Edens informed the Board that the second (2<sup>nd</sup>) notice are required to go out by certified mail. Those notices just went out to ten (10) pharmacists that haven't complied with the audit.

The Board thanked Ms. Edens for her report.

**3PL Update – Darren Covington, Board Director:**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

Mr. Covington informed the Board that the 3PL application is posted on the website. It will require either a recent inspection report from their home state, or VAWD accreditation. We have received the first application and it will be reviewed today for Board approval.

The Board thanked Mr. Covington for the update.

**Pseudoephedrine Rule Update:**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

Darren informed the Board that the rule hearing will be scheduled for the December meeting.

**NABP Multistate Pharmacy Inspection Blueprint Program:**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

Darren informed the Board about discussions he has had with NABP regarding the Blueprint Program. The Board asked Darren to invite a representative from NABP to the December meeting for further discussion.

**Rule Re-adoption LSA 18-407(Pharmacy Board):**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

Re: 856 IAC 1-38 Credit for Returned Expired Drugs

The Board reviewed the above rule and moved to ACCEPT the analysis of the rule.

Anderson/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board further moved to RE-ADOPT 856 IAC 1-38 Credit for Returned Expired Drugs.

Anderson/Fanning, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

Re: 856 IAC 1-39 Home Medical Equipment Service Providers

The Board reviewed the above rule and moved to ACCEPT the analysis of the rule.

Anderson/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board further moved to RE-ADOPT 856 IAC 1-39 Home Medical Equipment Service Providers.

Anderson/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

Re: 856 IAC 1-40 Electronic Prescribing

The Board reviewed the above rule and moved to ACCEPT the analysis of the rule.

Fanning/Balla, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board further moved to RE-ADOPT 856 IAC 1-40 Electronic Prescribing.

Fanning/Balla, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

Re: 856 IAC 3 Wholesale Legend Drugs, the Board reviewed each section separately on this rule.

The Board reviewed rules 1 through 7 and moved to accept the analysis of each rule.

Anderson/Smosna, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board further moved to RE-ADOPT 856 IAC 3, sections 1, 2, 3 & 7 Wholesale Legend Drugs.

Anderson/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board further moved to NOT re-adopt 856 IAC 3-4 and 856 IAC 3-6 Wholesale Legend Drugs.

Fanning/Anderson, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board further moved to RE-ADOPT 856 IAC 3-5-3 Wholesale Legend Drugs.

Anderson/Smosna, 5/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board further moved to NOT re-adopt 856 IAC 3-5-1; 3-5-2; and 3-5-4 Wholesale Legend Drugs.

Anderson/Smosna, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

Re: 856 IAC 7 Prescription Drug Take Back Programs

The Board reviewed the above rule and moved to ACCEPT the analysis of the rule.

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board further moved to RE-ADOPT 856 IAC 7 Prescription Drug Take Back Programs.

Fanning/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Emergency Drug Scheduling – Epidiolex:**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

Epidiolex contains CBD oil. The DEA changed it from a Schedule 1 to a Schedule 5.

After discussion, the Board moved to APPROVE the scheduling change of Epidiolex.

Smosna/Balla, 5/0/0  
Motion carries

### **REVIEW OF APPLICATIONS**

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph.

#### **Individual Application Review:**

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

Balla/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Winnie Landis, Del Fanning, Matt Balla, Mark Smosna

The following board members voted nay: none

The following board members abstained: none

- Eugene Vivello – Pharmacist Exam App
- Genevieve Bice – Tech in Training App

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

Balla/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Winnie Landis, Del Fanning, Matt Balla, Mark Smosna

The following board members voted nay: none

The following board members abstained: none

- Ryan Wonderlin – Tech in Training App
- Michelle Lafleur – Tech in Training App
- Lenora Johnson – Tech in Training App

The Board reviewed the following individual application(s) and TABLED the application for additional documentation:

Balla/Fanning, 5/0/0

Motion carries

The following board members voted aye:

Winnie Landis, Del Fanning, Matt Balla, Mark Smosna

The following board members voted nay: none

The following board members abstained: none

- Titiana Peluyera – Tech in Training App

**Controlled Substance Registrations, HME & EDI Applications:**

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

Anderson/Fanning, 5/0/0  
Motion carried

The following board members voted aye:

Winnie Landis, Del Fanning, Steve Anderson, Mark Smosna, Matt Balla

The following board members voted nay: none

The following board members abstained: none

- Purdue University/Yang Yang – Two (2) Researcher CSR Apps – Schedules 2,4
- Jennifer Boes, APN – CSR App
- Indiana University School of Medicine/Ma Yaoying, M.D., PHD – Researcher CSR App – Schedules 2,2N,3,3N
- Indiana University School of Medicine/Animal Resources Center/Yasuyoshi Ueki, M.D., PHD – Researcher CSR App – Schedules 2,3
- Eli Lilly & Company – Analytical Laboratory CSR App – Schedules 2,2N,3,3N,4,5
- Pain Management Centers of America PSC d/b/a Advanced Pain Care Clinic – Mahendra Sanapati, M.D. – Hospital/Clinic CSR App – Schedule 5 – Lynch Road Evansville location
- Pain Management Centers of America PSC d/b/a Advanced Pain Care Clinic – Gavin Chartier, M.D. – Hospital/Clinic CSR App – Schedules 2,2N,3,3N,4,5 – Willow St Vincennes location
- Pain Management Centers of America PSC d/b/a Advanced Pain Care Clinic – Mahendra Sanapati, M.D. – Hospital/Clinic CSR App – Schedule 2,2N,3,3N,4,5 – Professional Blvd Evansville location
- Aquestive Therapeutics, Inc – Alexander Schobel – Analytical Laboratory – Schedules 2,2N,3,3N,4,5

The Board reviewed and TABLED the following CSR, HME & EDI application(s) for additional documentation:

Anderson/Fanning, 5/0/0  
Motion carried

The following board members voted aye:

Winnie Landis, Del Fanning, Steve Anderson, Mark Smosna, Matt Balla

The following board members voted nay: none

The following board members abstained: none



- Indiana University Health Urgent Care Centers d/b/a Indiana University Health Urgent Care – Hospital/Clinic CSR App – Schedules 2,2N,3,3N,4,5

**Facility Applications:**

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

Fanning/Landis, 5/0/0  
Motion carried

The following board members voted aye:  
Winnie Landis, Del Fanning, Matt Balla, Mark Smosna, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

- PillPack, LLC – Non Resident App
- Lincare Pharmacy Services d/b/a Med 4 Home – Non Resident Change of Location App
- Inception Rx – Non Resident App

The Board reviewed and TABLED the following facility application(s) for additional documentation.

Smosna/Anderson, 5/0/0  
Motion carried

The following board members voted aye:  
Winnie Landis, Del Fanning, Matt Balla, Mark Smosna, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

- West Logistics, Inc – 3PL App

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

Anderson/Fanning, 5/0/0  
Motion carried

The following board members voted aye:  
Donna Wall, Winnie Landis, Del Fanning, Steve Anderson, Mark Smosna, Matt Balla