

## INDIANA BOARD OF PHARMACY

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

### MINUTES OF NOVEMBER 9, 2020

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

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

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.

Smosna/Jablonski, 6/0/0  
Motion carries

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

The Board voted by roll call to adopt the July 13, 2020, August 10 2020, and August 28, 2020 minutes as written.

Smosna/Landis, 4/0/0  
Motion carries

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

### **FULL BOARD APPEARANCES**

#### **Jennifer Weil, Ph.D., Lewin and Amy Gilbert, FSSA – INSPECT DATA Request:**

Both Ms. Weil and Ms. Gilbert appeared to discuss the request with the Board. Their Objective: FSSA seeks to identify the universe of Indiana healthcare providers that treat or could treat substance use disorder (SUD) populations. Data requested will be used for the following activities:

- 1) Provider Capacity Assessment. To assess the provider supply. Data received will be mapped to other data resources to better understand current treatment capacity.
- 2) Provider Capacity Survey. To support a comprehensive understanding of provider capacity and supplement the provider capacity assessment. Data received will be used to reach out to providers and request survey participation. A Project Overview: FSSA is conducting a comprehensive assessment to understand treatment demand and provider supply to inform an action plan that will position the agency to implement strategic solutions to improve SUD outcomes. This quality improvement project is funded by CMS and uses national and state-level data sources to identify gaps and/or barriers that if minimized could result in a healthier population. Both the provider capacity assessment and the provider capacity survey are designed to provide information on the current state of the Indiana provider workforce and answer questions, such as:
  - What are the titles/type, degrees, licenses, and credentials of the MH/SUD workforce in IN?
  - What is the distribution of providers across geographical location?
  - What populations do providers serve (e.g. adolescents; pregnant women)?
  - What is the current capacity of service providers to supply MH/SUD treatment services?
  - What are the provider barriers for treating MH/SUD (e.g. technology, training, reimbursement rates)?

After discussion, the Board moved to APPROVE their request for providers in INSPECT with controlled substance registrations.

Jablonski/Landis, 5/1/0, with Steve Anderson Opposed  
Motion carries

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

**Dennis Watson, Ph.D., Senior Research Scientist, Chestnut Health Systems –  
INSPECT Data Request:**

Mr. Watson appeared on behalf of this request. In June 2017, we presented a study design to the Pharmacy Board that would utilize the following elements:

- A waiver of informed consent,
- Identification of patients admitted to the ED with opioid use disorder by hospital staff
- Secure transfer of INSPECT data for identified patients. After receiving funding, this plan was modified because we added an original data collection element that required us to receive consent for the baseline interview. As, overdose admissions at the hospitals have dropped significantly since the study was funded and because COVID has interrupted the study, we are not currently able to reach our necessary power to detect a difference in outcomes. As such, we would like to go back to our original plan to ensure success of the study. This would involve:
  - Submitting an IRB application to receive a determination of non-human subjects research activity (a waiver is no longer required if using a limited dataset since changes to the Common Rule that went into effect after we received funding). We have already completed this step.
  - Working with Regenstrief as the hospitals honest data broker to identify patients admitted to the ED for opioid-related issues.
  - Having Regenstrief share this data with MPH using a secure hashing algorithm.
  - Having the data sent back to Regenstrief using the same secure algorithm.
  - Having Regenstrief create a limited dataset before passing it on to researchers.

The aims of this study are:

Aim 1. Replicate POINT in another Indianapolis-based hospital to prepare for subsequent effectiveness trial. (R21 phase)

- Sub-Aim 1a. Conduct a pilot test of POINT to establish feasibility of research protocols.
- Sub-Aim 1b. Develop strategies and materials to facilitate implementation of POINT at other sites through description of the replication process, verification of critical elements, and establishment of fidelity criteria.

Aim 2. Conduct a cluster randomized clinical trial to establish POINT's effectiveness in comparison to standard care. (R33 phase)

- Sub-Aim 2a. Assess POINT's effectiveness for improving outcomes (e.g., access to MAT, recurrent overdose, and mortality) utilizing existing administrative and public data.
- Sub-Aim 2b. Further test the conceptual model/theory of change underlying POINT through collection of original data among a subset of POINT participants to enhance understanding of the mechanisms through which the intervention improved outcomes.

Aim 3. Determine the extent to which POINT is scalable to other hospitals and systems. (R33 phase)

- Sub-Aim 3a. Assess key implementation outcomes (e.g., fidelity, acceptability, sustainability, and cost) to inform replication of POINT in other contexts.
- Sub-Aim 3b. Identify potential barriers and facilitators to inform future scaling activities for POINT through qualitative interviews with potential adopters.

After discussion, the Board moved to APPROVE the INSPECT Data request.

Anderson/Smosna, 6/0/0  
Motion carries

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

**The Carboxyl Group, Keith Johnson – Analytical Laboratory Controlled Substances Registration App:**

Keith Johnson, a biomedical technician engineer appeared on behalf of this matter. Mr. Johnson originally appeared at the Board's August 2020 meeting.

They are requesting an analytical laboratory-controlled substances registration to "clean" up their CBD product as it has too much THC (marijuana) in it.

They will never store the product in the laboratory and the building is very secure.

Their application was TABLED at the August meeting so that Ms. Schuster could research the Board's statute/rules regarding this issue.

Nicole Schuster, J.D., Advisor to the Board indicated she spoke with the State Chemist on this issue. He will need to log how much is destroyed, who destroyed it and the dates it was destroyed.

He indicated to the Board that he has forms to document for all the above information.

After discussion, the Board moved to APPROVE following one of our Compliance Officers along with two (2) Board Members complete an inspection within in the next month and that the policies and procedures be reviewed by one of the board members. The Board requested Mr. Johnson to reappear in six (6) months.

Landis/Anderson, 6/0/0

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

**Theracom, LLC, Jack McGuire, R.Ph., PIC – Non Resident Change of Ownership Application:**

Joseph Max Eiler appeared on behalf of Theracom.

He informed the Board that their pharmacy license in Kentucky is now in good standing.

In an agreed order with the Kentucky Board, Stephen Blankford, R.Ph., was placed on Probation for one (1) year with terms and conditions and was required to pay a \$500 fine.

This resulted from the inventory of controlled substances reflecting a significant shortage of controlled substances of approximately 15,888 dosages units of Hydrocodone/APAP 10/500 and approximately 7,662 dosage units of Hydrocodone/APAP 10/325 for which no documentation of the authorized dispensing or distribution could be provided.

In a separate agreed order with the Kentucky Board, Joseph Max Eiler, R.Ph., PIC was issued a \$1,000 Fine.

This resulted from the following: About February 25, 2016, the Kentucky Board staff conducted a non-sterile compounding inspection at the Commons Community Pharmacy where Mr. Eiler is employed as the pharmacist in charge. The Board's investigation revealed that the pharmacy was in the midst of construction for an expansion. Legend drugs and prepared prescription medications were in the newly expanded pharmacy space which has not been approved by the Board.

Jack McGuire, R.Ph., in an agreed order with the Kentucky Board of Medicine was issued a \$500 Fine as he only completed ten (10) of the required fifteen (15) hours of continuing education requirements between January and December of 2016.

Mr. McGuire's license in Oregon was also disciplined due to the Kentucky action and his failure to report a DUI on his application. He entered into a consent order of a \$1,000 civil penalty with terms and conditions.

Mr. McGuire's Alabama license was disciplined at renewal due to the Oregon and Kentucky action. The Board issued a \$2,000 Fine.

The Michigan Board also disciplined Mr. McGuire's pharmacist license with a reprimand and a \$250 fine based upon the previous states discipline.

Carol Pierce, R.Ph., in an agreed order with the Kentucky Board of Medicine was issued a \$250 Fine as she only completed fourteen (14) of the required fifteen (15) hours of continuing education requirements in 2017.

Blake Garr, R.Ph. in an agreed order with the Kentucky Board of Medicine was issued a \$500 Fine as he did not complete any of the fifteen (15) required continuing education hours in 2016.

Matthew Weaver, R.Ph., in an agreed order with the Kentucky Board of Medicine his license was placed on suspension for six (6) months and issued a \$1,000 Fine.

This resulted from the following: About June 10, 2016 the Kentucky Board received notification that the Respondent may have left a fraudulent telephone prescription order on Walgreen's voice mail. The Board's investigation revealed that the Respondent called

in prescriptions for Aldara and Triamterene/HCTZ for himself fraudulently without having first received a valid prescription drug order.

Virginia McCulston, R.Ph., in an agreed order with the Kentucky Board of Medicine was issued a \$500 Fine as she only completed six (6) of the required fifteen (15) hours of continuing education requirements in 2017.

The Maine Pharmacy Board issued discipline on the facility I.H.S. Acquisition XXX, Inc. d/b/a TheraCom was issued a \$1,500 Fine for not reporting a pharmacist in charge change timely.

I.H.S. Acquisition XXX, Inc. d/b/a TheraCom was issued a \$6,000 Fine for delaying care by the Kentucky Board in 2020.

After discussion, the Board TABLE this application for the latest Kentucky inspection report and policies and procedures.

Anderson/Smosna, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**After Action Medical & Dental Supply, LLC – Wholesale Drug Distributor Application – Requesting a Provisional License:**

No one appeared on behalf of this application; therefore, they will be rescheduled for next month.

**Right Med Pharmacy/Steve Sheinost – Remote Dispensing Facility/CSR Application:**

Mr. Sheinost appeared on behalf of this application.

He informed the Board that the pharmacy will be located inside a clinic that contains physician offices.

It is approximately five (5) miles away from the supervising pharmacy. He stated that since it's inside a clinic the mileage shouldn't affect the outcome. Their main purpose is to serve the patients of the clinic, but they will be open to the public as well.

After discussion, the Board moved to TABLE this application for further review of the ten (10) mile rule concerning remote dispensing facilities. Jason Jablonski agreed to work

with Nicole Schuster, Board's counsel and Laura Turner, Board Director on this matter.

Anderson/Smosna, 6/0/0

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**G & S Durable Medical Equipment and Supplies – Home Medical Equipment**

**Application:**

Leodis Scott appeared regarding this matter.

One of our Compliance Officers completed an inspection of G & S Durable Medical Equipment and Supplies, and they received a failure.

The 'business' is located in the basement of a home; they do not have a separate brick and mortar building. Leodis informed the Board that they do have a \$50,000 surety bond.

After discussion, the Board moved to TABLE this application until the Compliance Officer along with Zaneta Nunnally, Compliance Director completes a new inspection.

Landis/Bunton, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Genoa – Remote Dispensing Application:**

A representative of Genoa appeared virtually on behalf of this matter.

One of the facilities they took over in Illinois had action taken on it prior. It was placed on probation and that probation was lifted in February 2020.

Their other positive response information is that a technician at one of their stores diverted medication. The technician was terminated.

After discussion, the Board moved to TABLE this application for further review of the ten (10) mile rule concerning remote dispensing facilities. Jason Jablonski agreed to work with Nicole Schuster, Board's counsel and Laura Turner, Board Director on this matter.

Anderson/Landis, 6/0/0

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

### **PERSONAL APPEARANCES**

The following personal appearance(s) were continued:

- Amanda Walker, R.Ph., MPJE Repeat Application
- Charlotte Thomas, R.Ph., MPJE Repeat Application

The following personal appearance(s) were cancelled:

- Brandon Sadler, Intern, License Renewal 45021184A

#### **Candice Frye, R.Ph., Retake MPJE Application:**

Candice Frye appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Candice's MPJE retake exam application.

Smosna/Landis, 6/0/0  
Motion carries

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

#### **Evan Milway, R.Ph., Retake MPJE Application:**

Evan Milway appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Evan's MPJE retake exam application.

Landis/Jablonski, 6/0/0  
Motion carries

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



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

**Audrey Tepe, R.Ph., NAPLEX Retake Application:**

Audrey Tepe appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Audrey's NAPLEX retake exam application.

Bunton/Landis, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

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

**Sylvester Tran, R.Ph., NAPLEX Retake Application:**

Sylvester Tran appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Sylvester's NAPLEX retake exam application.

Smosna/Balla, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

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

**Phillip Cree, R.Ph., MPJE Retake Application:**

Phillip Cree appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Phillip's MPJE retake exam application.

Balla/Jablonski, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

**Faria Chaudhry, R.Ph., MPJE Retake Application:**

Faria Chaudhry appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Faria's MPJE retake exam application.

Jablonski/Smosna, 6/0/0  
Motion carries

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

**Aya Telmat, R.Ph., MPJE Retake Application:**

Aya Telmat appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Aya's MPJE retake exam application.

Bunton/Landis, 6/0/0  
Motion carries

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

**Betsy Abraham, R.Ph., MPJE Repeat Application:**

Betsy Abraham appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Betsy's MPJE retake exam application.

Landis/Balla, 6/0/0  
Motion carries

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

**Taylor Amborn, Intern Permit Application – Positive Response:**

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

Ms. Amborn explained that she received two (2) DUI's. She went to Bowen Center for one (1) year from August 2018 to September 2019. She did random drug tests, all of which were negative and had weekly group meetings.

Her school, Manchester is aware of this issue.

She currently lives at home with her parents and brother, and they are her support system.

Her sobriety date is September 2018.

After discussion, the Board voted by roll call to APPROVE Ms. Amborn's application on INDEFINITE PROBATION with terms and conditions. Bunton/no 2<sup>nd</sup> Motion fails

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

Bunton/Jablonski, 6/0/0  
Motion carries

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

**Grant Defalque, Ph.I., License # 45022044A Intern Permit Renewal – Positive Response:**

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

In February 2020, he was involved in an incident involving alcohol, and had to appear in front of the Academic and Professional Affairs Committee at Butler University. He did not have any legal actions with the courts.

He was however, given sanctions by the Committee that he had to follow to stay in the program at Butler. The sanctions include the following:

- Disciplinary probation until graduation from any program in the College of Pharmacy and Health Sciences including the Pharmacy program, the Bachelor of Science in Health Sciences and the Master of Physician Assistant Studies. A letter will be placed in your file indicating that you are on disciplinary probation. Any future alleged violations of the Professional Conduct Code may result in suspension, dismissal or termination from the College. While on disciplinary probation, per the COPHS Student Handbook, you are ineligible to serve as an officer of a college-based student organization.
- No IPPE experiences for the summer, 2020.
- If any further alleged violations of the Professional Conduct Code should occur, you must notify the COPHS Office of Academic Affairs (PHSB107B) within 96 hours of the occurrence.

The Academic and Professional Affairs committee of the college has deliberated and set forth the following college sanctions:

1. You will be on professional probation till graduation.
2. Continue follow-up with Ms. Shana Markle. Please have her (or the counselor you see over the summer) provide a status report to Associate Dean Dr. Jennifer Snyder (jholycro@butler.edu) no later than August 14, 2020.
3. Prior to class beginning fall 2020 (due August 14, 2020), please reflect on a scale of 1 to 10 your level of functioning as you anticipate resuming classes (1 = poorly functioning; 10 = optimally functioning.) What do you need to do to improve your rating? Also in this reflection, please research resources that are available to health care professionals who have substance abuse problems. Provide this as a report to Dr. Snyder.
4. Moving forward, the committee will ask you to provide additional self-reflections and assessments once or twice per semester. These will be scheduled in the fall. There may be a request for intermittent communication to the committee.
5. You will be subject to random drug screenings (at your expense per the COPHS Student Handbook).
6. You mentioned that you may get an assessment from a psychiatrist. The committee would recommend this assessment. In addition to any personal benefit from the specialist, it may provide value as you substantiate the approach to your treatment to the Indiana Board of Pharmacy.

Grant also indicated that he began seeing Dr. Shana Markle in the University's counseling center. She specializes in addiction.

After discussion, the Board voted by roll call to APPROVE Mr. Defalque's intern permit renewal.

Landis/Smosna, 6/0/0  
Motion carries

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

The following board members abstained: none

**Denise Core, Technician in Training Application – Positive Response:**

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

On July 11, 2001, Ms. Core was convicted of a Class D Felony, Possession of Cocaine.

In 2008, the charge was supposed to be dropped to a misdemeanor but wasn't because she failed her drug test, so the Court denied the conversion to a misdemeanor.

In 2020 she was charged with a level 6 Felony, Maintaining a Common Nuisance.

IC 25-26-19-5 forbids by the state to lower a charge to a misdemeanor if it involves a controlled substance.

After discussion, the Board moved to TABLE her application until February 2021 in order to allow her to obtain an expungement.

Smosna/Wall, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**ADMINISTRATIVE HEARINGS**

The following hearing(s) were continued:

**Josiah K. Pheuisompou C.Ph.T., License No. 67027662A, Cause No. 2020 IBP 0028**

**Terri Robbins, C.Ph.T., License No. 67026641A, Cause No. 2019 IBP 0078**

**Heather Williams, C.Ph.T., License No. 67031532A, Cause No. 2019 IBP 0038**

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

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

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board.

The proposed settlement agreement included SUMMARY SUSPENSION for NINETY (90) DAYS.

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

Anderson/Smosna, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

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

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

Bret Busby, Lead Diversion Investigator, Professional Licensing Agency was sworn in as a witness for the State.

Bret indicated he did assist in the investigation of this matter, and it was found that Ms. Scales diverted medications which she used while she was working. She diverted Hydrocodone and Acetaminophen Hydrocet.

She was charged with theft and possession of a narcotic drug.

States Exhibits:

A – Employment Records

B – Court Documents

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to place the Respondent's license on SUMMARY SUSPENSION for NINETY (90) DAYS.

Anderson/Landis, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Barry S. Ring, M.D., License No. 01051861B, Cause No. 2017 IBP 0008**

Respondent appeared telephonically and was represented by counsel, Derek Peterson regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

Bernard Henry was sworn in as a witness for the Respondent.

Dr. Ring informed the Board that the probation on his Indiana medical license was withdrawn at their June 2020 meeting.

His Illinois medical license and controlled substances registration is still on probation and in good standing. He is not going to renew it as he only practices in Indiana. He is compliant with the terms of his Illinois probation.

He needs to take his Boards and can't while his license is on probation.

He was compliant with all terms of his Indiana probation order.

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

Anderson/Balla, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Michael Bangert, M.D., License Pending, Cause No. 2020 IBP 0037**

Respondent appeared telephonically and was not represented by counsel regarding an Order to Show Cause/Controlled Substances Registration application scheduled before the Board. The State of Indiana was represented by Alyssa Servies, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

In August 2016, his Ohio license was suspended for mental issues. Ohio reinstated his license in 2017 and his DEA was also reinstated.

He had a fitness to practice evaluation, which was favorable. He was reinstated on Probation in Ohio, with a contract with the Ohio physicians monitoring program. He contacted ISMA and was placed on a contract with them.

He indicated he has been in compliance with both the Ohio and Indiana monitoring programs. The Ohio program reviews his charts every three (3) months and he has not had any issues.

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 his CSR application.

Anderson/Smosna, 6/0/0  
Motion carries

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

**Daniel Barkdoll, M.D., License No. 01043851B, Cause No. 2020 IBP 0040**

Respondent appeared telephonically and was not represented by counsel regarding an Order to Show Cause/Controlled Substances Registration renewal scheduled before the Board. The State of Indiana was represented by Alyssa Servies, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

On October 1, 2019, the Respondents controlled substance registration was automatically suspended after he surrendered his DEA.

He informed the Board that he immediately tried to educate himself with continuing education classes. He attended the tenth (10<sup>th</sup>) annual symposium on drug abuse, during which he realized he had been contributing to drug abuse.

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 his CSR renewal.

Landis/Anderson, 6/0/0  
Motion carries

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

**Dion Dulay, M.D., License No. 01031016B, Cause No. 2019 IBP 0075**

Respondent appeared telephonically and was not represented by counsel regarding an



Order to Show Cause/Controlled Substances Registration Reinstatement scheduled before the Board. The State of Indiana was represented by Alyssa Servies, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

Dr. Dulay's CSR was placed on Indefinite Probation for a period of six (6) months and he is requesting to have the probation withdrawn.

His CSR was placed on probation for prescribing to his Son. He indicated that he will not prescribe for himself or his family.

He has been fully compliant with his probation order.

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

Anderson/Landis, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Tarek Elseweifi, D.D.S., License No. 12013467B, Cause No. 2020 IBP 0036**

Respondent appeared telephonically and was not represented by counsel regarding an Order to Show Cause/Controlled Substances Registration Application scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

Dr. Elseweifi discussed the following arrests with the Board:

- 10/12/2007 – Possession of Cannabis and Paraphernalia in Illinois
- 02/29/2008 – Obstruction of Justice/Obstructing a Peace Officer in Illinois
- 03/12/2008 – Consumption of Alcohol by a Minor in Illinois
- 03/17/2008 – Consumption of Alcohol by a Minor in Illinois

He indicated that at this point his Father sent him to Germany to live with his uncle for a year. He indicated he had two (2) minor incidents after his return home.

- 02/12/2013 – Disorderly Conduct in Illinois
- 11/17/2019 – Disorderly Conduct in Illinois

He indicated to the Board that he has learned from these experiences and does not intend

to have any more run-ins with the law. He stated he accepts the professional responsibility that comes with being a Dentist.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved APPROVE his CSR application.

Anderson/Landis, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Lisa J. Fetter, APRN, License Pending, Cause No. 2020 IBP 0041**

Respondent appeared telephonically and was represented by counsel, Peter Pogue regarding an Order to Show Cause/Controlled Substances Registration Application scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

While following office policy at her job in Ohio, she became out of compliance with Ohio statute/rules. All the nurse practitioners in this facility were out of compliance as they were all following the same office policies.

Ohio through an agreed order placed restrictions on her controlled substance registration for a three (3) year period. She has completed thirty (30) continuing education hours through nurse's legal advisor and twenty-two hours on prescribing controlled substances in 2018 at Vanderbilt.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved APPROVE her CSR application.

Smosna/Balla, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

**Brenton Goodman, M.D., License No. 01080768B, Cause No. 2020 IBP 0039**

Respondent appeared telephonically and was represented by counsel, Derek Peterson

regarding an Order to Show Cause/Controlled Substances Registration Renewal Application scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board.

The proposed settlement agreement included mirroring his medical license probation order.

The Board requested that the Respondent be sworn in for testimony.

He explained to the Board that he has been working on his depression and that his sobriety date is April 1, 2019.

He is not licensed in any other states and has only practiced for two and one-half (2 1/2) years. He has not practiced as a physician since April 1, 2019. He did practice for nine (9) months while his medical license was on probation.

He stated that he used LSD one (1) time.

Part of his probation with the Medical Board is he must have an ISMA contract and be compliant; must be supervised; he cannot supervise anyone.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to place his license on INDEFINITE PROBATION mirroring the Medical Board's probation order and adding he must present the order to his employer and cause them to submit a signed copy acknowledging the order back to the Board withing ten (10) days and he shall not have access to controlled substances for personal consumption.

Anderson/Smosna, 3/3/0  
Motion fails

The following board members voted aye by roll call:  
Steve Anderson, Mark Smosna, Matt Balla,

The following board members objected: Winnie Landis, Mark Bunton, Jason Jablonski

The following board members abstained: none

After further discussion, the Board moved to ACCEPT the Medical Board Agreement.

Bunton/Balla, 5/1/0  
Motion carries

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

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

**Julie Self, R.Ph., License No. 26017907A, Cause No. 2015 IBP 0063**

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 Patricia Gibson, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

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.

Landis/Bunton, 6/0/0  
Motion carries

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

**CVS Pharmacy #6463, License No. 60004756A, Cause No. 2020 IBP 0011**

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

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both employed by CVS and do not have knowledge of this Pharmacy or the incident. Mr. Eldridge indicated he was fine with both participating in this matter.

A proposed settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board.

The proposed settlement agreement included a LETTER OF REPRIMAND and a \$1,500 FINE. The Board amended this settlement agreement to include the LETTER OF REPRIMAND and a \$1,000 FINE based upon their statutes; they are not able to fine more than a \$1,000 per count.

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

Anderson/Smosna, 6/0/0  
Motion carries

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

After discussion, the Board re-opened this hearing, WITHDREW the APPROVAL and moved to TABLE the SETTLEMENT AGREEMENT since both parties were not present.

Smosna/Anderson, 6/0/0  
Motion carries

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

**Matthew Cline, R.Ph., License No. 26023704A, Cause No. 2020 IBP 0012**

**Richard Pearson, R.Ph., License No. 26014579A, Cause No. 2020 IBP 0014**

Respondents Matthew Cline and Richard Pearson appeared telephonically and was not represented by counsel regarding a Final Hearing/Complaint/Proposed scheduled before the Board. The State of Indiana was represented by Ryan Eldridge and the court reporter sworn in for this matter, Margie Addington, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton know Mr. Cline as they are both employed by CVS and do not have knowledge of the incident. All parties indicated they were fine with both participating in this matter.

In a preliminary matter, Ryan Eldridge, Deputy Attorney General requested to consolidate the matters of Matthew Cline and Richard Pearson.

After discussion, the Board moved to APPROVE the CONSOLIDATION of the two (2) matters.

Balla/Smosna, 6/0/0  
Motion carries

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

Mr. Cline informed the Board that all three Pharmacists verified the prescription as appropriate for the two (2) miss fills.

He indicated he was the only pharmacist in the store for over a year and was filling four hundred to four hundred-fifty (400-450) prescriptions a day. He was also responsible for vaccines. He stated the prescription went out as extended release versus immediate release twice and he verified it both times. He also indicated he was not the original pharmacist to verify the prescription. He has been a pharmacist for ten (10) years.

The patient suffered sleepless nights.

Mr. Pearson did not give direct testimony.

Respondent Cline Exhibits:

- 1 – performance review
- 2 – Letter of recommendation

Respondent Pearson Exhibits:

- 1 – Amended statement to October 1, 2020
- 2 – Statement of October 1, 2020

State Exhibits:

- A – Prescription from records of CVS
- B – CVS employee file of Mr. Cline
- C – IPLA file of Mr. Cline
- D – CVS employee file of Mr. Pearson
- E – IPLA file of Mr. Pearson
- F – Admitted letter from Mr. Cline
- G – Blank renewal form

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to find the Respondent Mr. Cline not to be in violation of all counts.

Anderson/Smosna, 6/0/0  
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to find the Respondent Mr. Pearson not to be in violation of all counts.

Anderson/Smosna, 6/0/0  
Motion carries

**Christine Meyer, R.Ph., License No. 26015309A, Cause No. 2020 IBP 0013**

Respondent appeared telephonically and was not represented by counsel regarding a Final Hearing/Complaint/Proposed Settlement Agreement 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, Margie Addington with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton know Mr. Cline as they are both employed by CVS and do not have knowledge of the incident. All parties indicated they were fine with both participating in this matter.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. Mr. Eldridge requested the Board to deny the settlement agreement to maintain consistent rulings (IC 25-1-9-13). Ms. Meyer was the third pharmacist involved in the miss fill of medication.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to DENY the settlement agreement.

Anderson/Smosna, 6/0/0  
Motion carries

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

**DISUCSSION**

**NABP Interactive Member Forum – November 9, 2020:**

Participating Members Mark Smosna, R.Ph., Jason Jablonski, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Bunton, R.Ph.

NABP is requesting Board Members to join their discussion on current issues facing Boards.

Mark Smosna indicated he would join in the discussion. Steve Anderson indicated he will be the back-up should Mr. Smosna not be able to attend.

**Rules Committees and Upcoming Dates:**

Participating Members Mark Smosna, R.Ph., Jason Jablonski, R.Ph., Winnie Landis,

R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Bunton, R.Ph.

The committee for technician rules met Thursday of last week and will meet again on Monday November 30<sup>th</sup>.

The committee for e-prescribing met Friday and made good progress on the rule. Medical Board will review it on December 3<sup>rd</sup> and Pharmacy Board will do the vote on December 14<sup>th</sup>.

There being no further business the Board adjourned at 8:15 p.m.



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Matt Balla, R.Ph., President



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Steve Anderson, R.Ph., Vice President