

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

MINUTES OF DECEMBER 10, 2018

Winnie Landis, R.Ph., President, called the meeting to order at 8:45 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 (in at 9:30am)
Matt Balla, R.Ph., Member
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.

Landis/Smosna, 5/0/0
Motion carries

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

The Board recognized Gordon White, J.D. Deputy Attorney General, Office of the Attorney General for his years of service with the Board. Gordon announced his retirement last month. His last day of public service will be December 31, 2018. Gordon has been with the AG's office for 40 years and has worked with the Pharmacy Board for 25 years.

Public Comment Hearing – LSA #17-283:

Adds 856 IAC 1-43 concerning ephedrine and pseudoephedrine. The rule will establish requirements concerning the sale of products containing ephedrine or pseudoephedrine by pharmacists. The rule will establish requirements regarding “conversion resistant” and “extraction resistant” products containing ephedrine or pseudoephedrine.

No one appeared in person to make a public comment regarding the rule. The Board received two (2) written responses which stated they supported the rule as written.

After discussion, the Board moved to ADOPT LSA #17-283 as a permanent rule.

Fanning/Wall, 5/0/0
Motion carries

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

FULL BOARD APPEARANCES

Riverview Health and Intuitive Health Project Discussion - FYI:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph., Donna Wall, R.Ph.

Brian Peters, PharmD, MS, Director of Pharmacy Services, PGY1 Pharmacy Resident Program Director and Jay Whittie, COO, ER Physician both appeared regarding this discussion.

Mr. Peters gave the Board a handout that gives the background, overview and purpose of Riverview Health's Freestanding Emergency Department and Urgent Care Center. The construction has not begun on this project as of their appearance.

The Board reviewed the documents and discussed them with the Representatives.

The Board thanked them for the presentation/information.

Parkview North Pharmacy d/b/a Parkview Ortho Center, LLC – Remote Location App – Positive Response:

Ed Strobel, Director of Pharmacy and Chris Jellison, Corporate Pharmacy Director both appeared regarding this matter.

This is an ambulatory surgery center and they will be using the Pyxis machine.

They will not be doing discharge medications.

After discussion, the Board moved to APPROVE the Remote Location Application for Parkview North Pharmacy.

Wall/Balla, 5/0/0
Motion carries

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

Anderson Burriss, Inc d/b/a Hope Wellness Pharmacy – Remote Dispensing Facility App:

Lester Burriss, R.Ph., and Tim Gergian, R.Ph., PIC both appeared regarding this application.

Let the record reflect that Steve Anderson was not in attendance yet when this matter went forward.

Mr. Burriss explained that they have a pharmacy there now but want to change it to a Remote Dispensing Facility due to a very low volume of customers

The technician that they have identified to work in the facility has twenty-five (25) years of experience and is nationally certified. They will have two (2) technicians there when the pharmacist is not there.

Mr. Gergian indicated he will be the PIC for the remote dispensing facility and will be there one (1) to two (2) days per week.

After discussion the Board moved to APPROVE the remote dispensing facility application.

Balla/Smosna, 5/0/0
Motion Carries

The following board members voted aye:

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

Bill Cover, R.Ph., NAPB, Multistate Pharmacy Inspection Blueprint:

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

Mr. Cover informed the Board that there are currently sixteen (16) states formally participating in the multistate pharmacy inspection blueprint. There were twenty-six (26) states that sent at least one (1) compliance officer to the training for sterile compounding and 795 training. Both Zaneta Nunnally, Compliance Director and Tim Thomas, Compliance Officer attended from Indiana.

The blueprint program was developed in response to member board request for more uniform, current, and robust inspections of pharmacies that ship sterile compounded preparations into other states.

One of the requirements in the blueprint is that an inspection be completed every eighteen (18) months. Mr. Cover stated that they are allowing states to make that every two (2) years.

On another matter, Mr. Cover read a letter to the Board from NAPB to the Attorney General in recognition of Gordon White, J.D., Assistant Attorney General, Board Counsel.

PROBATIONARY APPEARANCES

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

The following made their probationary appearance:

Kelley Branchfield
Lucas Sweet
Emmylou Melton
Nicole Nordeen
Colton Martz
Nicholas Scarpino
Melanie Arving

The following did not appear and will be contacted to appear next month:

Charles Gabet

Erin Crouch

The Board discussed the non-appearance of Kristina Luers and moved to issue an Order to Show Cause regarding this matter.

Wall/Fanning, 6/0/0
Motion carries

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

PERSONAL APPEARANCES

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

- Elisha Pierce, Ph.T., 67003051A, Reinstatement Ren
- Robin-Nicole Pierre – Tech in Training App
- Mitchell Lafleur – Tech in Training App
- Lenora Johnson – Tech App

Maame Wireku, NAPLEX Repeat Exam App:

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

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

Balla/Anderson, 6/0/0
Motion carries

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

Chikodili Udemgba, MPJE Repeat Exam App:

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

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

Smosna/Balla, 6/0/0
Motion carries

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

Raina Noffel, NAPLEX Repeat Exam App:

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

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

Fanning/Wall, 6/0/0
Motion carries

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

Rae Shaw, NAPLEX Repeat Exam App:

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

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

Wall/Smosna, 6/0/0
Motion carries

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

Cedric Tchoumbou, NAPLEX Repeat Exam App:

Ms. Tchoumbou appeared before the Board and discussed his studying habits.

After discussion, the Board moved to APPROVE Mr. Tchoumbou's NAPLEX repeat exam application.

Balla/Smosna, 5/0/1

Motion carries

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

Dezaray McDonald, MPJE Repeat Exam App:

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

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

Wall/Smosna, 6/0/0
Motion carries

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

Julie Davis, 67011514A, Reinstatement Renewal App:

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

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

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

Balla/Smosna, 6/0/0
Motion carries

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

Kelley Violi, 67011591A, Reinstatement Renewal App:

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

Ms. Violi has recently been employed by Meridian North Pharmacy. Meridian North Pharmacy does not have an approved training program at this time.

After discussion, the Board APPROVED Ms. Violi's reinstatement renewal application upon Meridian North Pharmacy obtaining an approved technician training program or Ms. Violi taking and passing the PTCB.

Wall/Anderson, 6/0/0
Motion carries

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

Sylvia Henderson, 67018456A Reinstatement Renewal App:

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

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

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

Balla/Wall, 6/0/0
Motion carries

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

Nancy Mobley, 67006740A Reinstatement Renewal App:

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

Ms. Mobley has recently been employed by CVS Pharmacy. Ms. Mobley submitted a letter from CVS indicating they will put her through their training program once she has an active license. She has already completed all the online modules of the program.

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

Wall Smosna, 6/0/0
Motion carries

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

Klancy Peterson, 67014180A Reinstatement Renewal App:

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

Ms. Peterson has recently been employed by CVS Pharmacy. Ms. Davis 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. Peterson's reinstatement renewal application.

Smosna/Anderson, 6/0/0
Motion carries

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

Jennifer Hicklin, 67021520A Reinstatement Renewal App:

Ms. Hicklin did not appear before the Board regarding her reinstatement renewal application and was not represented by counsel.

This is Ms. Hicklin's second no-show for her requested personal appearance.

After discussion, the Board DENY Ms. Hicklin's reinstatement renewal application.

Wall/Smosna 6/0/0
Motion carries

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

McKesson Drug Co., 48000550A WDD Renewal App:

Gary Gobbs, Compliance Director appeared before the Board regarding this matter and was represented by counsel, Randy Fearnow, J.D.

Mr. Fearnow submitted a letter to the Board regarding this matter. The letter states in part: This matter stems from the January 17, 2017 finalization of a settlement agreement entered into between McKesson, The Drug Enforcement Administration (DEA) and the United States Department of Justice (DOJ). McKesson's settlement with the DEA and DOJ is the culmination of several years of negotiations involving the interpretation of DEA letters regarding the monitoring and reporting of controlled substances. McKesson entered into a settlement and agreed to make a payment of \$150 million to the DOJ to resolve allegations that between 2009 and 2013, McKesson distribution centers failed to report suspicious orders of controlled substances to the DEA. The settlement also provides that the DEA registrations of four (4) McKesson facilities are temporarily suspended on a staggered basis. Beginning in years prior to the settlement, McKesson implemented new tools and policies regarding its monitoring and reporting processes.

After discussion, the Board APPROVED McKesson's renewal application.

Wall/Anderson, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Matthew Velten, 45019780A, Intern Permit Renewal:

Mr. Velten appeared before the Board regarding his Intern Permit renewal and was not represented by counsel.

Mr. Velten received an OWI in Ohio. His criminal probation is for two (2) years through April 2020.

He received an addictionology evaluation which stated that he does not have issues with alcohol.

Butler University is aware of this issue and he is on academic probation with them until he graduates.

His BAC was .18

After discussion and agreement by Mr. Velten, the Board APPROVED his Intern Permit Renewal on INDEFINITE PROBATION with terms and conditions.

Fanning/Wall, 6/0/0
Motion carries

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

Nikole Smith, Technician in Training App:

Ms. Smith appeared before the Board regarding her Technician in Training application and was not represented by counsel.

Documents show Ms. Smith had a DUI in 2004, 2008 and 2012. She received a driving while suspended in 2012. She was arrested in 2014 as a habitual traffic violator.

She stated she didn't know when or how many DUI's she has received.

She is employed with Kroger. She has an Illinois technician license that is active and in good standing.

She still has a balance due on her court costs.

After discussion, the Board APPROVED Ms. Smith's Technician in Training application.

Wall/Balla, 6/0/0
Motion carries

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

Ryan Wonderlin, Technician in Training App:

Mr. Wonderlin appeared before the Board regarding his Technician in Training application and was not represented by counsel.

Mr. Wonderlin was arrested for an OWI and is currently on one (1) year unsupervised probation with the courts.

He has completed the Victim Impact panel and has not drank since August 2018.

His BAC was .15

After discussion, the Board APPROVED Mr. Wonderlin's technician in training application on INDEFINITE PROBATION with terms and conditions.

Wall/Smosna, 6/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Corey Powers, Technician App:

Mr. Powers appeared before the Board regarding his technician application and was not represented by counsel.

Mr. Powers has received two (2) DUI's. He went to court to modify his sentence to a Class A Misdemeanor and was successful in doing so.

He is on court probation until October 2019.

After discussion, the Board APPROVED Mr. Powers' technician application on INDEFINITE PROBATION with terms and conditions.

Wall/Fanning, 6/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Stacey Stevens, Technician in Training App:

Ms. Stevens did not appear before the Board regarding her technician in Training application and was not represented by counsel.

This is Ms. Stevens' second no-show for her requested personal appearance.

After discussion, the Board moved to DENY Ms. Stevens' technician in training application.

Wall/Smosna 6/0/0
Motion carries

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

Korina Flater, Technician in Training:

Ms. Flater appeared before the Board regarding her technician in training application and was not represented by counsel.

Ms. Flater is on one (1) year probation with the courts. She must complete eighty (80) hours of community service and twelve (12) weeks of group therapy.

She has not consumed alcoholic beverages since this incident.

After discussion, the Board APPROVED Mr. Flater' technician in training application on INDEFINITE PROBATION with terms and conditions.

Wall/Smosna, 6/0/0
Motion carries

The following board members voted aye:
Del Fanning, Winnie Landis, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
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 his intern permit application and was not represented by counsel.

Mr. Shafer has had his technician license recently revoked for diverting medications from his employer.

The Board has requested he sign a contract with IPRP.

Dr. Harman with IPRP indicated that Mr. Shafer falls in a grey area, with no identified use disorders. IPRP will monitor him but since he doesn't have identified use disorders he requests that the Board be flexible with his requirements in the contract. The Board agreed they would be flexible.

After discussion, the Board APPROVED Mr. Shafer's intern permit application on INDEFINITE PROBATION with terms and conditions.

Wall/Smosna, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Paige Rogers, Technician in Training App:

Ms. Rogers appeared before the Board regarding her technician in training application and was not represented by counsel.

Ms. Rogers has had several arrests. The most recent was March 2018 a driving while suspended and April 2018 another driving while suspended. She is on court probation for one (1) year.

After discussion, the Board APPROVED Ms. Rogers' technician in training application on INDEFINITE PROBATION with terms and conditions.

Wall/Balla, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Kellie Daniels, Technician in Training App:

Ms. Daniels did not appear before the Board regarding her technician in Training application and was not represented by counsel.

This is Ms. Daniels' second no-show for her requested personal appearance.

After discussion, the Board moved to DENY Ms. Daniels' technician in training application.

Smosna/Balla 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearings were continued:

- Keystone Choice Pharmacy, License No. 64001978A, Cause No. 2018 IBP 0029

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

Respondent did not appear in person and was represented by counsel, Richard Kiefer 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.

Ms. Oliver requested that the Board vacate the summary suspension as they do not feel that a threat to the public health and safety no longer exists.

Dr. Love's medical license and controlled substance registration certificate are both expired at this time.

The Medical Board approved to vacate the summary suspension on Dr. Love's medical license.

After taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to VACATE the SUMMARY SUSPENSION in this matter.

Smosna/Balla, 6/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Patricia Macias, Ph.T., License No. 67010608A, Cause No. 2018 IBP 0037

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

Ms. Macias is currently in prison for one (1) year.

The state submitted evidence showing Ms. Macias was charged with the following:

- Count 1: Possession of a Controlled Substances, Class A Misdemeanor

- Count 2: Possession of a Controlled Substance, Class A Misdemeanor
- Count 3: Possession of a Controlled Substance, Class A Misdemeanor
- Court 4: Possession of Marijuana, Class B Misdemeanor

In a plea agreement Ms. Macias pled guilty to count 4, possession of Marijuana, Class B Misdemeanor and the rest of the counts were dismissed.

In a separate court document, Ms. Macias was charged with the following:

- Count 1: Leaving the Scene of an Accident, Class B Misdemeanor

Ms. Macias was found guilty of the Class B Misdemeanor, Leaving the Scene of an Accident.

States Exhibits:

D – Chronological Case Summary from Adams Superior Court

E – Chronological Case Summary from Adams Superior Court

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.

Wall/Balla, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

David Chube, II, M.D., License No. 01038347B, Cause No. 2016 IBP 0031

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

Dr. Chube explained to the Board that he is currently on Staff at Methodist Hospital. He practices in an underserved area and needs to be accredited by Medicaid and he can't while his CSR is on probation.

His medical license is back on active status and he has his DEA back. He indicated he doesn't write for any controlled substances.

Dr. Chube's CSR was placed on Indefinite Probation for three (3) years on July 11, 2016. At this time his three (3) year period is not complete.

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 Dr. Chube's request for Withdrawal.

Wall/Anderson, 6/0/0
Motion carries

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

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

Mark Bachara, Regional Pharmacy Supervisor appeared on behalf of Costco Wholesale Corp and was not represented by counsel. 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.

Mr. Bachara informed the Board that Costco implemented new policies and procedures once the issues were pointed out in the inspection. The received a new inspection September 12, 2018 and passed it.

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.

Smosna/Balla, 6/0/0
Motion carries

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

Maria Hendersin, P.T.I.T., License No. 99088234A, Cause No. 2018 IBP 0043

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Ms. Henderson's training license was issued on probation by the Board in August 2018 due to two (2) pending charges with the courts. She was placed on court probation through a deferral program. Her sobriety date is February 2015.

The Prosecuting Attorney moved to resume prosecution on the Driving While Suspended charge as the Respondent has new charges of Driving While Suspended requires a knowing violation and prior conviction of Sec.1 and Speeding – Exceeding Posted Speed Limit filed in Gary City Court.

Ms. Henderson also has not complied with her current Board Probationary Order. She has not submitted a signed copy of the Board Order from August 15, 2018; and a Letter from employer addressing professional competence, sense of responsibility, work habits, mental attitude, and ability to work with others.

States Exhibits:

- A – Chronological Case Summary Lake Superior Court, County Division 1
- B – Chronological Case Summary Gary City Court
- C – Affidavit of Records Keeper

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 request to Withdraw Probation and EXTENDED the INDEFINITE PROBATION for 6 MONTHS with new terms and conditions.

Wall/Smosna, 6/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

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

Respondent did appear in person and was represented by counsel, Ned Milenkovich regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Eric Bryant, Deputy Attorney General and Tim Weber, Deputy Attorney General. The court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Let the record reflect that Winnie Landis recused herself from this matter and left the room.

Justin Stout, R.Ph., PIC appeared on behalf of this matter.

Mr. Stout testified that the facility has passed their most recent inspection report.

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.

Fanning/Balla, 6/0/0
Motion carries

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

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

Respondent appeared in person and was represented by counsel, Matt Schappa regarding a Petition to Withdraw Probation 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.

Dr. Olowe testified that his Illinois license is on a three (3) year probation, but he no longer practices in Illinois.

He uses INSPECT for every visit with each patient.

His physician monitor submitted a report to the Illinois Board which was good and indicated no issues at all.

Respondents Exhibits:

- 1 – Letter from Dr. Butler
- 2 – Copy of Practice Monitoring Report

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.

Wall/Balla, 6/0/0
Motion carries

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

Andrew Zigler, Ph.T., License No. 67021179A, Cause No. 2014 IBP 0057

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Matt Koressel, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Mr. Zigler's license was placed on probation due to a public intoxication charge which resulted in a diversion agreement with the courts.

He currently works at Kroger Pharmacy.

The following documents are not found in the Board's probationary order for Mr. Zigler:

- Signed order by his employer
- Quarterly reports from employer

Respondent's Exhibit:

1 – Proof of completing Community service

After discussion, the Board moved to RECESS this matter until the January 2019 meeting so he could submit the missing documents.

Wall/Anderson, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Kelly Edsall, APRN, CSR Application, Cause No. 2018 IBP 0047

Respondent appeared in person and was represented by counsel, Stephanie Eckerle and Matt Branich regarding an Order to Show Cause – CSR Application scheduled before the Board. The State of Indiana was represented by Lauren Jacobson, Deputy Attorney General and Laura Iosue, Deputy Attorney General and Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Ms. Edsall's sobriety date is in 2015. She admitted she is addicted to alcohol.

Ms. Edsall entered into ISNAP (through the Nursing Board) and was non-compliant with her contract. Her contract was then closed and her nursing license suspended. In 2015 she made the effort to get back in to ISNAP and they had her do a partial program, which she then completed successfully. She is in Smart Recovery program with Fairbanks and goes to meetings weekly and also does the meetings online.

Respondent Exhibits:

- 1 – Copy of CSR
- 2 – Affidavit of Kara Zimmerman Hwang, M.D.
- 3 – Letter from Kara Zimmerman Hwang, M.D.
- 4 – Letter from ISNAP showing completion
- 5 – Letter from Steven Fekete, M.D., Cummins
- 6 – Copy of Master's Program Award
- 7 – Article in Community Physician Network paper
- 8 – Letter from Leanne Carlson, Ph.D., H.S.P.P.

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 CSR Application.

Anderson/Balla, 6/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Timothy Pohlman, M.D., License No. 01060790B, Cause No. 2018 IPB 0054

Respondent appeared in person and was represented by counsel, Barclay Wong regarding a Petition for Reinstatement of Suspended CSR 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.

In 2018 Dr. Pohlman wrote a controlled substance prescription for a patient without seeing the person first. He then went to see the person to administer the controlled substance.

DEA asked him to surrender his DEA for cause and he did. This automatically suspended his CSR.

The prescription he wrote was for Morphine. This was the only time in twenty-eight (28) years of practice that he has wrote a prescription without seeing the patient first.

After having considered the evidence presented, and taking official judicial notice of the pleadings, evidence and orders in this matter the Board moved to REINSTATE the CSR License.

Smosna/Balla, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Misty Johnson-Dennis, Ph.T., License No. 67017728A, Cause No. 2018 IBP 0028

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 Six (6) Months.

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.

Balla/Wall, 6/0/0

Motion carries

The following board members voted aye:

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

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 & Notice of Proposed Dismissal 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 DISMISS this matter.

Wall/Smosna, 6/0/0

Motion carries

The following board members voted aye:

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

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

Melissa Ferguson, Ph.T., License No. 67019731A, Cause No. 2018 IBP 0036

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing and Notice of Proposed Default 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, 6/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

In an affidavit from Alina Singh, R.Ph. she stated that the Respondent had recorded and filled two (2) refills of Prometh-COD over the phone. She informed the Respondent that accepting refills for controlled substances over the phone is not permitted.

In an affidavit from Robert Vercel, R.Ph., he stated that on October 10, 2016 he filled a prescription for Promethazine with Codeine Syrup (Prometh-COD) and was unable to locate the prescription later that same day.

In an affidavit from Erica Bate, Ph.T., she stated that in September 2016, Walgreens instituted daily audits due to discrepancies/shortages of Promethazine with Codeine Syrup. She notified asset protection of the shortages that occurred between September 20 – 22, 2016 and on October 11 a shortage of 253ml of Prometh-COD was missing from the previous day.

The Respondent admitted to asset protection that she had diverted the medication and was selling it through the drive-through window. She was terminated from her employment.

States Exhibits:

A – Affidavit of Erica Bates, Ph.T.

B – Affidavit of Alina Singh, R.Ph.

C – Affidavit of Robert Vercel, R.Ph.

D – Employment records