

INDIANA BOARD OF PHARMACY

Met THROUGH VIDEO and AUDIO CONFERENCING

<https://IndianaEnhanced.Webex.com/join/lturner1>

(240) 454-0887 and entering meeting room # 731 429 478

MINUTES OF JANUARY 10, 2022

Steve Anderson, R.Ph., President, called the meeting to order at 8:02 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 Telephonically: Steve Anderson, R.Ph., President
Mark Smosna, R.Ph., Vice President
Mark Bunton, R.Ph., Member
Winnie Landis, R.Ph., Member
Matt Balla, R.Ph., Member
Jason Jablonski, R.Ph., Member

Staff Present Telephonically: Laura Turner, J.D., Board Director
Professional Licensing Agency
Jody Edens, Assistant Director
Professional Licensing Agency
Kurt Miller, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted by roll call to adopt the agenda.

Smosna/Landis, 5/0/0
Motion carries

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

ELECTION OF OFFICERS

The following were voted into office by roll call for a one (1) year term beginning February 1, 2022

- Mark Smosna, R.Ph., President

- Mark Bunton, R.Ph., Vice President

Anderson/Balla, 6/0/0
Motion carries

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

FULL BOARD APPEARANCES

Accredo Health Group, Inc., License No. 60006353A/B – Renewal Positive

Response:

Rich Palombo, R.Ph., Ed Rickert, R.Ph., J.D., counsel for Accredo and Steve Brodenberg, R.Ph., PIC for Accredo all appeared telephonically on behalf of this matter.

They had sister state action in Hawaii and was issued a Reprimand and a \$250 Fine.

After discussion, the Board moved by roll call to APPROVE their renewal applications

Landis/Balla, 6/0/0
Motion carries

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

Prime Healthcare Services – Monroe, LLC d/b/a Monroe Hospital, License No. 60006452B – Renewal Positive Response:

Michael Nolin appeared telephonically on behalf of this matter.

Mr. Nowlin explained that a Nurse diverted medications from the Emergency Department. An investigation was completed, and he reached out to the A.G.'s Office and it was determined that this was diversion.

The Nurse turned himself in to I.U. and admitted to diverting for self-use. He is currently in a recovery program at I.U.

He was dismissed from Monroe Hospital for the diversion, and they completed new policies and procedures to cover how he diverted the medication.

After discussion, the Board moved by roll call to APPROVE the renewal application.

Smosna/Bunton, 6/0/0
Motion carries

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

Wells Pharmacy Network, LLC – License No. 64001422A and 64001355A – Renewal Positive Response:

Melissa Stefko appeared telephonically on behalf of this matter.

They have had action Taken in twelve (12) states. She indicated that the action started back in 2013 when Arizona acted upon their license:

She explained the following for license number 64001355A:

- On January 29, 2020, Wells Pharmacy Network, LLC, Dyersburg, TN ("WPN") received the fully executed Settlement Agreement from the Hawaii Board of Pharmacy that was executed as reciprocal discipline based on discipline brought upon WPN's license by California, Utah, Tennessee, Oregon, and Kentucky.
- On March 5, 2020, Wells Pharmacy Network, LLC, Dyersburg, TN {"Wells"} received a notification of suspension imposed by the Virginia State Board of Pharmacy. The suspension is premised on Wells' previously voluntarily surrendering their Alabama Non-Resident Pharmacy Permit in June 2017. The Virginia State Board of Pharmacy was given notice of Wells' surrender of its Alabama Non -Resident Pharmacy Permit on June 26, 2017. The Virginia Non-Resident permit was reinstated on September 10, 2020.
- On July 13, 2020, Wells Pharmacy Network, LLC, Dyersburg, TN ("WPN") received the fully executed Final Order from the Florida Board of Pharmacy for Case# 2019-24635. WPN's Non-Resident Sterile Compounding License was reprimanded due to discipline in its' home state with the Tennessee Board of Pharmacy, a matter that was previously disclosed to all State Boards of Pharmacy in July 2018. The BOP alleges the discipline in Tennessee would constitute a violation under Florida Law and therefore WPN did not dispute the issues of material facts in the Administrative Complaint.
- On July 26, 2021, WPN Dyersburg, TN received notification from the California Board of Pharmacy that Citation # C1 2020 91314 was issued for failure to report an adverse event within 24 hours. The ADE in question was for a non-California patient and was reported to the FDA's FAER dashboard. This Citation became effective on August 26, 2021 (30 days after issuance.) Payment of \$1,000 .00 fine was made on August 20, 2021.

She explained the following for license number 64001422A

- On January 21, 2020, Wells Pharmacy Network Ocala, FL received a fully executed Settlement Order with the Nebraska Board of Pharmacy. This Settlement was not premised

nor resolves any disciplinary allegation by the Board but settled a preliminary denial of Wells Pharmacy Network's application to renew its non-resident pharmacy permit.

- On January 29, 2020, Wells Pharmacy Network, LLC. Ocala, FL ("WPN") received the fully executed Settlement Agreement from the Hawaii Board of Pharmacy that was executed as reciprocal discipline based on discipline brought upon WPN's license by Idaho, Oklahoma, New Hampshire, Pennsylvania, California, and Missouri.
- On February 28, 2020, Wells Pharmacy Network, LLC. Ocala, FL ("Wells") received a notification of suspension imposed by the Virginia State Board of Pharmacy. The suspension is premised on Wells' previously voluntarily surrendering their Alabama Non Resident Pharmacy Permit in June 2017. The Virginia State Board of Pharmacy was given notice of Wells' surrender of its Alabama Non -Resident Pharmacy Permit on June 26, 2017. The Virginia Non-Resident Pharmacy permit was reinstated on September 10, 2020.
- On March 1, 2020, Wells Pharmacy Network, LLC. Ocala, FL received a Settlement Agreement and Final Order from the Iowa State Board of Pharmacy placing Wells Pharmacy Network on probation and assessing an eighteen thousand dollar (\$18,000.00) civil fine. The Settlement Agreement resolves allegations that Wells Pharmacy Network violated a previous consent order entered into between Wells Pharmacy Network and the Iowa State Board of Pharmacy in March 2018 for compounding essential copies of commercial products.
- On July 15, 2020, Wells Pharmacy Network, LLC. Ocala, FL ("WPN") received the fully executed Final Order from the Florida Board of Pharmacy for Case# 2019-40934. WPN's Pharmacy license was reprimanded due to discipline with the Idaho State Board of Pharmacy, a matter that was previously disclosed to all State Boards of Pharmacy in October 2018. The BOP alleges the discipline in Idaho would constitute a violation under Florida Law and therefore WPN did not dispute the issues of material facts in the Administrative Complaint.
- On July 27, 2020, Wells Pharmacy Network, LLC. Ocala, FL ("WPN") received the fully executed Final Order from the Florida Board of Pharmacy for Case# 2018-23645. WPN's Pharmacy License was reprimanded due to discipline with the Oklahoma Board of Pharmacy, a matter that was previously disclosed to all State Boards of Pharmacy in June 2018. The BOP alleges the discipline in Oklahoma would constitute a violation under Florida Law and therefore WPN did not dispute the issues of material facts in the Administrative Complaint.
- On October 12, 2020, Wells Pharmacy Network, LLC. Ocala, FL ("WPN") received the fully executed Settlement Agreement from the Hawaii Board of Pharmacy for Case PHA-2020-29-L. WPN's license was reprimanded as reciprocal discipline based on discipline with Iowa Case 2019-0035.
- On February 22, 2021, Wells Pharmacy Network, LLC. Ocala, FL ("WPN") received the fully executed Final Order from the Wisconsin Board of Pharmacy ("Board") for Case# 17-PHM-152. The Board's order reprimands WPN's license for filling prescriptions for five (5) Wisconsin resident patients who stated they received their prescriptions after using telehealth services in 2018. WPN ensures that each provider has a valid prescriber/ patient relationship if the provider is prescribing to Wisconsin patients from out of state, the patient must have been seen live in the office within the last 12 months, or the provider must be licensed in Wisconsin.
- On September 11, 2021, Consent Order# 53-20-002168 between Wells Pharmacy Network, LLC. Ocala, FL ("WPN") and the Michigan Board of Pharmacy became effective after the Board executed the Order at their August 11, 2021, Board Meeting. WPN's license was

reprimanded as reciprocal discipline based on discipline with Iowa Order 2015-37/ 2016-136, a matter that was previously disclosed to all State Boards of Pharmacy in March 2018.

After discussion, the Board moved by roll call to TABLE both renewals for copies of their last two environmental testing reports.

Landis/Bunton, 6/0/0
Motion carries

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

Archway Apothecary, License No. 64001754A – Renewal Positive Response:

Carl Camp and Ray Wilkins, R.Ph., PIC both appeared telephonically on behalf of this matter.

They had amnio acid compounded issues. The State of Louisiana took action against the Facility and the PIC, Mr. Wilkins.

From the Louisiana order: “Archway and its Pharmacist-In-Charge, E. Raymond Wilkes, Jr., were recently cited by the State of Louisiana Board of Pharmacy for a violation of compounding practice at its office in Covington, Louisiana.

Mr. Camp indicated the following: Between September 1, 2020, and March 8, 2021, operating under misinformation from an FDA Registered Wholesale Supplier of amino acid APIs, Archway Apothecary compounded a variety of such APIs. Compounding of these APIs was immediately halted once we became aware that these were not eligible for compounding.

This is, and has been, the only notice of violation received by Archway since its founding in 2013. Copies of the executed Consent Agreements are attached.

Louisiana order states in part: ARCHWAY APOTHECARY, LLC, holder of Louisiana Pharmacy Permit No. 7333, is ordered to pay a fine of \$25,000.00 and to reimburse the Board \$250.00 for administrative costs, and \$2,236.49 for investigative costs with total payment due the Board of \$27,486.49, due by certified check or money order to be paid simultaneously with the execution of this Consent Agreement by Respondent.

All compounding shall be accomplished utilizing accepted Pharmacy techniques, practices, and equipment, and in compliance with the Federal Food, Drug and Cosmetic Act of 1938 (FDCA) as subsequently amended, the current edition of Title 21 of the Code of Federal Regulations (CFR), and all relevant chapters of the 2014 edition of the United States Pharmacopeia-National Formulary (USP 37 NF 32).

The compounding of sterile preparations pursuant to the receipt of a patient-specific prescription shall comply with the provisions of Section 503-A of the FDCA and USP Chapter 797.”

After discussion, the Board moved by roll call to TABLE this matter for the last two environmental testing reports.

Landis/Smosna, 6/0/0
Motion carries

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

Windrose Rx – Hope – Remote Dispensing Facility and CSR Application:

Scott Rollett and Mark Ruth, R.Ph., PIC appeared telephonically on behalf of this matter.

Let the record reflect that Steve Anderson recused himself from this matter and left the meeting.

They are requesting a remote dispensing facility in Hope, Indiana a population of 3,200. The town requested them to consider opening a pharmacy in the health care center back in 2005. Their only pharmacy closed and they need a new one.

The closest town with a pharmacy is Taylorsville which is eleven (11) miles away. They will be in the building where the “old” pharmacy was. They will have a PTCB certified technician employed there with the supervising pharmacist located in Indianapolis. They indicated they will meet the requirements of the law with the employees.

After discussion, the Board moved by roll call to APPROVE the Remote Dispensing Facility and CSR Applications.

Bunton/Balla, 5/0/0
Motion carries

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

PERSONAL APPEARANCES

Kelsie Selems – Technician/Tech in Training Application – Positive Response/No IPRP Contract:

Kelsie Selems did not appear telephonically before the Board and was not represented by counsel regarding a positive response on his/her application.

Tracy Traut, MS, LCAC, IPRP Director indicated that she did an intake with Ms. Selems, and she did everything they requested. They informed her they wanted a one (1) year contract and since they informed her of this, they have not heard anything from her, therefore they have closed her case and discharged her from the program.

Ms. Selems did appear back in November 2021 and the Board tabled her application to give her time to sign a contract with IPRP.

After discussion, the Board moved by roll call to DENY Kelsie Selems application.

Smosna/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Aidan Wright – Technician/Tech in Training Application – Positive Response:

Aidan Wright appeared telephonically and was not represented by counsel regarding a positive response on his/her application.

He indicated that back in 2015, he was charged with a criminal misdemeanor of possession of paraphernalia. In a deferral sentencing he plead guilty. He stated that LSD was found, but he was not convicted of a Felony.

He works for Walgreens and has had a drug test which he passed.

In 2019, he was charged with a criminal misdemeanor of possession of a controlled substance and possession of Marijuana, Hash Oil, Hashish, Salvia, or a Synthetic Drug and possession of paraphernalia.

In a pretrial conference, the judgement was as follows: Possession of a controlled substance – guilty; Possession of Marijuana, Hash Oil, Hashish, Salvia, or a Synthetic Drug – guilty; Possession of paraphernalia – dismissed.

He was sentenced to the following:

Term: 365 Days; Suspended: 305 Days

Comment: On 3/4/19, Defendant in person and by Counsel Wall. Defendant sentenced as follows : COUNT 1: 365 days at the HCJ, 305 days suspended (serve 10 days at HCJ and 50 days as a Direct Placement with Community Corrections). Assessed court costs of \$185.00. Placed on probation for 305 days. COUNT 2: 180 days at the HCJ, 170 days suspended (serve 10 days at HCJ). Counts 1 & 2 are to run concurrently. Probation users fee of \$50.00 and administrative fee of \$50.00 assessed. Count 3 is dismissed. Bond ordered released. Bond covers fines and fees in full. Sentencing order issued.

After discussion, the Board moved by roll call to TABLE this matter for Aiden Wright to get an addictionology evaluation.

Landis/Smosna, 6/0/0
Motion carries

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

Terri Bacon – Technician/Tech in Training Application – Positive Response:

Terri Bacon appeared telephonically and was not represented by counsel regarding a positive response on his/her application.

In 2017, she was arrested during a family dispute. She was required to go to family and individual counseling, which she completed.

In 2018, she was charged with domestic battery after having dispute with her ex-fiancé. She was required to have a mental health evaluation; counseling sessions twice a week; and saw a psychiatrist. She was on house arrest for this incident, which she successfully completed.

On January 15, 2020, she was arrested at Walmart for shop lifting. She stated that she was with a couple of her friends, who did the shop lifting. She was with them but didn't take anything. She entered a diversion program, which has been successfully completed

After discussion, the Board moved by roll call to APPROVE Terri Bacon's application.

Landis/Smosna, 6/0/0
Motion carries

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

Tumi Vo, R.Ph. NAPLEX Repeat Exam Application:

Tumi Vo appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved by roll call to APPROVE Tumi Vo's MPJE repeat exam application.

Landis/Smosna, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Oreonna Howard – Technician/Tech in Training Application – Positive Response:

Oreonna Howard appeared telephonically and was not represented by counsel regarding a positive response on his/her application.

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 applicant. Oreonna was fine with both participating.

In 2011, Oreonna pleaded guilty to possession of Marijuana and in 2014, possession of Hash. Both cases are cleared.

After discussion, the Board moved by roll call to APPROVE Oreonna Howard's MPJE application.

Landis/Jablonski, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following hearing(s) were continued:

- **Walgreens #07926, License No. 60005834A, Cause No. 2020 IBP 0022**

Lucy Bartels, Ph.T., License No.67006875A, Cause No. 2021 IBP 0047

Respondent appeared telephonically and was not represented by counsel, regarding a Complaint & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Aaron Ridlen, 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 REVOCATION of the Respondent's license.

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

Smosna/Landis, 6/0/0
Motion carries

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

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 Extension/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Aaron Ridlen, Deputy Attorney General, and the court reporter sworn in for this matter was 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 respondent. Mr. Ridlen was fine with both participating.

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

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

Smosna/Balla, 6/0/0
Motion carries

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

Natasha Renee Perkins, Ph.T., License No 67029299A, Cause No, 2021 IBP 0040

Respondent did not appear telephonically and was not represented by counsel, regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was

represented by Natalie Stidd, Deputy Attorney General, and the court reporter sworn in for this matter was 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 by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Landis, 6/0/0
Motion carries

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

Sarah Scales, Ph.T., License No. 67029299A, Cause No. 2020 IBP 0048

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

Let the record reflect that Mark Smosna explained that he worked with Ms. Scales a long time ago but feels he can be fair and impartial. Mr. Ridlen was fine with Mr. Smosna participating.

In June 2020, the Respondent was seen on camera diverting medication and she was using it while at work.

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

Landis/Balla, 6/0/0
Motion carries

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

Mary Bennett, Ph.T., License No. 67004004A, Cause No. 2021 IBP 0005

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was not

represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services also appeared telephonically.

Ms. Bennett informed the Board that she completed her alcohol and drug classes with the court and has paid all court fees. She completed her court probation successfully on April 6, 2021.

She did her probation appearance with the Board by telephone.

This matter was adjourned so Ms. Bennett could get proof that she completed her court probation. She never returned to the meeting; therefore, this matter was not completed.

Anuradha Kollipapa, M.D., License No. 01046950B, Cause No. 2021 IBP 0056

Respondent appeared telephonically and was represented by counsel, David Jose regarding an Order to Show Cause/CSR Reinstatement scheduled before the Board. The State of Indiana was not represented in this matter, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services also appeared telephonically.

Dr. Kollipapa is board certified in internal medicine. She has not had any malpractice actions in the last ten (10) years. She also has not had any disciplinary action at the hospital.

She explained to the Board that one of her part-time Nurse Practitioners was writing prescriptions for her other Nurse Practitioner. DEA came into her office and pointed out the issue with office operations. She surrendered her DEA and has made updates in her policies and procedures.

Respondent Exhibits:

- A – list of corrections made in office
- B – Controlled substances policy
- C – Medication log from July 2021
- D – Obesity & Weight loss policy
- E – Adult and ADD questionnaire
- F – CE Certificates for NP
- G – CE Certificates for physician license
- H – Collaborative Agreement with Melissa Skinner
- I – Copy of website showing her license

Her office is doing all electronic prescriptions now.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved by roll call to REINSTATE Dr. Kollipap's Controlled Substances Registration.

Landis/Smosna, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Barbara Lyn Carson, Ph.T., License No. 67031345A, Cause No. 2020 IBP 0023

Respondent did not appear telephonically and was not represented by counsel regarding a Administrative Complaint & Summary Suspension Extension 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 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 by roll call to issue a NOTICE of PROPOSED DEFAULT.

Smosna/Landis, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

The Respondent admitted to diverting and dealing in controlled substances.

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

Jablonski/Bunton, 6/0/0

Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

George's Pharmacy East Side, LLC, License No. 60006735A, Cause No. 2021 IBP 0025

Respondent appeared telephonically and was represented by counsel, Tom Farlow regarding an Administrative Complaint 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 Margie Addington, with Accurate Reporting Services also appeared telephonically

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 INDEFINITE PROBATION with terms and conditions.

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

Balla/Jablonski, 6/0/0
Motion carries

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

Jacqueline Swinford, Ph.T., License No. 67003797A, Cause No. 2021 IBP 0046

Respondent did not appear telephonically and was not represented by counsel regarding an Administrative Complaint & Summary Suspension Extension 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.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both employed by CVS but have no knowledge of the Respondent. They both believe they can be fair and impartial. Mr. Hart was fine with both Winnie and Mark participating.

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

Smosna/Jablonski, 6/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton, Matt Balla
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 by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Jablonski, 6/0/0
Motion carries

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

DISCUSSION

Emergency Drug Scheduling Rule:

Ms. Turner submitted the following for the Board to review and approve with the corrections she included:

TITLE 856 INDIANA BOARD OF PHARMACY

Emergency Rule
LSA Document #21-____(E)

DIGEST

Temporarily amends 856 IAC 2-2-2 to add drug compounds to Schedule I. Statutory authority: IC 25-26-13-4.1. Effective 30 days after filing with the Publisher.

SECTION 1. (a) This SECTION is supplemental to 856 IAC 2-2-2.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, including its analogs, isomers, esters, ethers, salts and salts of isomers, esters, and ethers whenever the existence of such analogs, isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Methoxetamine (MXE), also known as 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one or 2-(3-methoxyphenyl)-2-(methylamino)cyclohexanone belongs to the aryloxyethylamine class of drugs with dissociative anesthetic and hallucinogenic properties, similar to phencyclidine (PCP) and ketamine.

(2) The following seven substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts:

(a) 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (butonitazene);

(b) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (etodesnitazene; etazene);

(c) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (flunitazene);

(d) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (metodesnitazene);

(e) N,N-diethyl-2-(2-(4- methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (metonitazene);

(f) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (Npyrrolidino etonitazene; etonitazepyne); and

(g) N,N-diethyl-2-(5-nitro-2-(4- propoxybenzyl)-1H-benzimidazol-1- yl)ethan-1-amine (protonitazene).

DEA presented the drugs and sent to Marion County drug lab and they were all approved with corrections noted above.

After discussion, the Board moved by roll call to APPROVE all the above listed drugs for Emergency Drug Scheduling as schedule 1.

Balla/Smosna, 6/0/0
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: None

The following board members abstained: None

Zaneta Nunnally, Compliance Director Report:

Ms. Nunnally reported the following:

For the month of November 2021, the Compliance Officers completed the following inspections:

- 47 CSR
- 9 Home Medical Equipment
- 48 Pharmacy

A total of 14 violations were found.

The Board thanked Ms. Nunnally for her report.

There being no further business the Board adjourned at 12:30 p.m.