

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 FEBRUARY 14, 2022

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

Landis/Bunton, 6/0/0
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

The Board voted by roll call to adopt the July 13, 2021, minutes as written.

Bunton/Balla, 6/0/0
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

FULL BOARD APPEARANCES

The following did not appear for their scheduled full board appearance:

- **Ziphealth, Inc. License No. 64002842A – Renewal-VPP Inspection Concerns**
- **Good Samaritan Home/Badger Acquisition of KY d/b/a Omnicare of Henderson – Remote Location Change of Ownership**

Darren Covington, Executive Vice President Indiana Pharmacists Association – Legislative Update:

Mr. Covington appeared telephonically and discussed the following with the Board:

HB1158:

- Adds a technician as a board member, replacing and pharmacists currently on the board.
- Allows a technician to administer vaccines that a pharmacists can administer under supervision.
- Removes PIC requirements – ultimately, the legal responsibility will be the owner of the permit.

HB1255:

- Gives the Boards authority over an expired license.

HB1063:

- Judicial review – allow trial court to retry the case with witnesses and new evidence. State would have to prove they are right.

SB3:

- Executive orders: vaccine authority – state standing order allow it to continue as long as the health authority is in place.

SB88:

- Prescription drug rebate – cost sharing rebates

SB239:

- Truth in advertising – must have professional title on any advertising

SB260:

- PLA – anyone applying can sign up to be an organ donor

The Board thanked Mr. Covington for the update.

IU MI-CARE Program – Noll Campbell, David Haggstrom, Michael Bushey and Kelli Norton – INSPECT Data Request:

Noll Campbell, David Haggstrom, Michael Bushey, Titus Schulyer and Leslie Hodge all

appeared telephonically regarding this matter.

Mr. Campbell submitted the following information by email for the Board to review:

“We respectfully submit this data request to the Indiana Board of Pharmacy for the purpose of obtaining patient-level prescription data from the INSPECT database. This data request is made as part of the More Individualized Care: Assessment and Recovery through Engagement (MI-CARE) program. MI-CARE is a pragmatic, implementation-level project funded by the National Institutes of Health’s Helping to End Addiction Long-term (NIH HEAL) Initiative, which is an aggressive effort to stem the national opioid public health crisis.

Led by practicing physicians at Indiana University Health (IUH), the MI-CARE program will identify primary care patients at IUH who have received a diagnosis of opioid use disorder (OUD) and have moderate depression as determined by a regularly-administered depression scale. Half of these patients will be offered a nurse care manager (NCM)-led program designed to increase motivation for and utilization of treatments for OUD and depression. Participants will be automatically entered into the study cohort if they meet criteria as assessed by information in their electronic records. After 12 months from the time they are identified, their records will be examined to determine whether offering the NCM-led program increases prescription of medications for OUD.

The MI-CARE program has been granted Institutional Review Board (IRB) approval at Indiana University and Advarra, an organization that provides central IRBs for multi-site studies. (The MI-CARE program is a multi-site study, with the primary site at Kaiser Permanente in Seattle, Washington. Indiana is included as a second site to include an area that has been especially hard-hit by the opioid epidemic.) Since this study does not require any contact with half of the cohort (and the other half have the ability to decline participation in the NCM intervention), informed consent is neither practical nor desirable and has been waived for the study.

Since the study team will not be interacting with many patients identified for this study, all outcomes will be assessed using data generated in routine clinical care, such as routine depression score collection and medication prescribing data. Unfortunately, data available in the electronic health record can be incomplete, especially if patients receive care outside of the IUH system. A more comprehensive data source, such as the INSPECT database, would provide a more definitive answer regarding whether our intervention has an effect on treatment utilization for OUD. Our specific data request:

- We will provide a list of patients with unique study IDs, as well as name & date of birth, enrolled in the MI-CARE program. Data would be returned with unique study IDs alone.
- Records of approximately 425 patients will be requested over a multi-year period, with a proposed start date of September 1, 2021, and proposed end-date of June 30, 2024.
- We request each patient have INSPECT data about prescriptions dispensed accessed at baseline and then after a 12-month period of observation.
- We propose to submit batched requests of a patient cohort every 6 months, since patients will be entered into the program on a rolling basis over a multi-year period.
- We propose data to be housed within the Management Performance Hub (MPH) to preserve patient confidentiality and to provide a secure computing environment. Study personnel would access a de-identified dataset within MPH’s secure environment to analyze the results of the study.

Data elements:

- The national drug code (NDC) number of the controlled substance dispensed.
- The drug name (generic or trade) dispensed.

- The date the controlled substance is dispensed.
- The quantity of the controlled substance dispensed.
- The number of days of supply dispensed.

(No information regarding prescribers or dispensers is requested)”

After discussion, the Board moved by roll call to APPROVE this INSPECT request.

Anderson/Landis, 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

Carekinesis, License No, 64001638A – Renewal Positive Response:

Richard Green, R.Ph., PharmD, VP Regulatory Affairs appeared telephonically regarding this matter.

In 2013 Colorado took action on their license as they were not allowed to sell to a physician. The patients received care at home just like they would in a nursing home (PACE), they provided the drugs. They were doing casual sales to patients – the state of Colorado does not allow this.

During an inspection in New Jersey the inspector found some things that are not appropriate like, expired drugs, labeling issues. Their license is active and in good standing.

After discussion, the Board moved by roll call to APPROVE Carekinesis’s license renewal.

Anderson/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

Empower Pharmacy License # 64001467A – Renewal Positive Response:

Trey Mims and Matt Ludwig, J.D. appeared telephonically regarding this matter.

The Iowa case is still pending as they have filed an appeal with the courts.

In 2019, Empower was charged with dispensing compounded HCG in a form that is essentially a copy of the FDA’s approved drug. The Iowa board took action against

Empower Pharmacy regarding this issue.

Iowa issued a warning and order them to permanently cease shipping compounded HCG into Iowa. Their license was placed on Probation for 3 years and they were issued a civil penalty of \$25,000.

Their base home is in Texas and their license in TX is in good standing. Texas is aware of the Iowa action.

After discussion, the Board moved to APPROVE Empower Pharmacy's renewal.

Anderson/Jablonski, 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

Carefirst Specialty Pharmacy, License No. 84002679A – Renewal & Documentation received by the Board:

Sundeeep Thakran, R.Ph., PIC appeared telephonically regarding this matter.

This appearance is based upon a report received from NABP. The report indicated they had received notice from the FDA of an adverse event associated with a topical drug containing estradiol and testosterone compounded by Carefirst Specialty Pharmacy. They attached a limited redacted report with their notification.

Their NU license is active and in good standing.

After discussion, the Board moved to APPROVE Carefirst Specialties license renewal.

Anderson/Landis, 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

Damien Pharmacy – Remote Dispensing Facility Application:

Brad Plunkett appeared telephonically regarding this matter.

They are opening a medical facility with offices; they want to issue prescriptions to the patients from the medical offices.

Damien Center treats HIV patients. They will be renting space in the building to do the examinations. It is separate from the community center.

They will serve patients seen in the clinic only. They will not have controlled substances. Only HIV medications and a few others like antibiotics.

After discussion, the Board moved to APPROVE the Damien Pharmacy Remote Dispensing Facility application.

Balla/Jablonski, 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

St. Joseph Regional Medical Center South Bend Campus: Joseph Health System Medical Imaging Center and Joseph Health System MRI Center – both Remote Location Applications:

Carol Tincher, Director of Pharmacy appeared telephonically regarding these two matters.

Let the record reflect that Jason Jablonski recused himself from this matter and left the room.

They will have Pyxis machines. Pharmacy staff will fill the machines.

The 2nd location (app) is about two (2) miles from the pharmacy and will require a vehicle to fill the machine. Pharmacy staff will have hard plastic totes that are sealed, and they will fill the machine.

After discussion, the Board moved to APPROVE both of St. Joseph Regional Medical Center South Bend Campus's remote location applications.

Anderson/Landis, 5/0/0
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Dan Lynch, Director of Regulatory Services, Synchrony Pharmacy – Discussion of Two (2) Buildings beside each other:

Dan Lynch and Trent Blacketer both appeared telephonically regarding the matter.

After describing the building lay outs and what they were wanting to accomplish the Board indicated to them that they would need to have two (2) full pharmacy licenses.

They thanked the Board for their input and discussion.

PERSONAL APPEARANCES

The following did not show for their scheduled personal appearance(s):

- **Katherine Lindauer – Tech/Tech in Training App – Positive Response**

Bahareh Zakeri, R.Ph., - MPJE Repeat Exam App:

Bahareh Zakeri appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Landis/Anderson, 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

Megan Martin, R.Ph., - MPJE Repeat Exam App:

Megan Martin appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Landis/Anderson, 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

Elizabeth Skelton, R.Ph., - MPJE Repeat Exam App:

Elizabeth Skelton appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Landis/Anderson, 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

Samantha Karabinas, R.Ph., - MPJE Repeat Exam App:

Samantha Karabinas appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Landis/Anderson, 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

Legacy Tanner, R.Ph., - NAPLEX Repeat Exam App:

Legacy Tanner appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved by roll call to APPROVE Legacy Tanner's NAPLEX repeat exam application.

Landis/Anderson, 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

Amanda Walker, R.Ph., - MPJE Repeat Exam App – Request to take for the 6th time:

Amanda Walker appeared telephonically before the Board and discussed her studying habits with the Board. She is requesting the Board to approve her to retake the MPJE for the sixth (6th) time.

Let the record reflect that Mark Bunton explained that he talked with Amanda about a year ago but feels he can be fair and impartial in this matter. Ms. Walker was fine with Mr. Bunton participating.

Due to health issues stemming from a car accident in 2018/2019 which resulted in three (3) different surgeries and issues with her shoulder she did not pass the MPJE tests taken during this time. She was just released from physical therapy at the end of 2021.

She did review the study material from Purdue in prior tests, but it didn't seem to help due to the pain she was in.

After discussion, the Board moved by roll call to APPROVE Amanda Walker's to take the MPJE for the 6th time.

Anderson/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

Joseph Piwowarski, R.Ph., Exam Application Positive Response and IPRP

Evaluation:

Joseph Piwowarski appeared telephonically and was not represented by counsel to discuss his positive response and IPRP evaluation.

Tracy Traut appeared telephonically on behalf of IPRP.

May 2021 he was arrested and charged with an OWI. His BAC was .1875. He was evaluated by IPRP, and it was recommended he sign a three (3) year RMA.

Ms. Traut informed the Board that Joseph has not yet sign an RMA with them,

The Board TABLED this matter until Joseph meets with Tracy regarding the RMA.

Landis/Anderson, 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

This matter reconvened with Joseph Piwowarski and Tracy Traut both appearing telephonically.

Ms. Traut informed the Board that Joseph signed a three (3) year RMA and immediately signed up to get UDS. He also signed up for sober-link and will be blowing four (4) to five (5) times per day.

After discussion, the Board moved to APPROVE him to take the Examination but will need to return for another personal appearance prior to licensing.

Anderson/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

Damon Howard – Tech/Tech in Training App – Positive Response

Damon Howard appeared telephonically and was not represented by counsel regarding a positive response on his tech/tech in training application.

He indicated that on June 6, 2021, he received an OWI. His BAC was .12. The case is still pending with the courts.

After discussion, the Board moved to TABLE this matter and requested he obtain an addictionology evaluation.

Landis/Anderson, 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

Hana Humble, Ph.T., License No, 67020287A – Reinstatement Positive Response:

Hana Humble appeared telephonically and was not represented by counsel regarding a positive response on her reinstatement renewal.

In April 2021, she was arrested for an OWI. She stated she believed her BAC was

extremely over the limit but within two (2) hours she blew all zeros.

The court is considering dropping all charges but the reckless driving charge. She is scheduled to reappear for court on March 7, 2022.

After discussion, the Board moved to TABLE this matter until her court matter is completed.

Anderson/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

Ibrahim Almachnee – Tech/Tech in Training Application – Positive Response:

Ibrahim Almachnee appeared telephonically and was not represented by counsel regarding a positive response on his tech/tech in training application.

He informed the Board that he is a Pharmacist in the State of Illinois. His pharmacist license in Illinois has been on summary suspension for 3 years. His IL license was then placed on Indefinite Suspension for professional judgement in 2015 for four (4) years. He appeared before the Illinois Board, and they denied his reinstatement saying they wanted additional documentation.

Illinois is his original state of licensure. He applied to the State of Illinois about eight (8) months ago to become a technician and hasn't heard back from them.

In 2015 he dispensed C-V's drugs without an order. There were approximately six (6) to seven (7) hundred prescriptions.

The Board indicated that they want to know what is going on with his technician application in Illinois, therefore the moved to TABLE this application for the additional information.

Landis/Anderson, 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:

- **CVS Indiana, LLC, License No. 62002188A, Cause No. 2022 IBP 0003**
- **Walgreens #07926, License No. 60005834A, Cause No. 2020 IBP 0022**

Lucian Boboia, D.D.S., License No. 12010910B, Cause No. 2021 IBP 0055

Respondent appeared telephonically and was not represented by counsel, regarding a Administrative Complaint/Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Carah Rochester, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, 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 INDEFINITE SUSPENSION for no less than seven (7) years 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.

Landis/Anderson, 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 Board further discussed who was selling a Dentist that much fentanyl and the Board requested that this matter be sent to the Attorney General's Office for investigation.

Stacey Lynne Hart, R.Ph., License No. 26016575A, Cause No. 2020 IBP 0015

Respondent did not appear telephonically and was represented by Harold Hilborn, counsel, regarding a 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 was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both worked with the Respondent about twenty (20) years ago but feel they can be fair and impartial in this matter. Both parties were fine with both participating.

A proposed settlement agreement between the Respondent, her counsel, and the

Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION for four (4) years with terms and conditions including a possible FINE.

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 and indicated they are not including a FINE.

Anderson/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

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

Respondent did not appear telephonically and was not represented by counsel, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

This request was on behalf of the Respondent and since she did not appear, the Board moved to TABLE this matter.

Smosna/Anderson, 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

Mohammed Asgar, M.D., License Pending, Cause No. 2022 IBP 0002

Respondent appeared telephonically and was represented by counsel, Barclay Wong regarding an Order to Show Cause/CSR Application scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

In 2014 Dr. Asgar was placed on the OIG exclusion list.

In 2016, he pled guilty, and the DEA issued an order to show cause to revoke his DEA. It was suspended, which ultimately led to the suspension of his controlled substances registration.

His DEA was suspended for 2 years, it is eligible for reinstatement if he gets his controlled substances registration back first.

The Medical Board withdrew the probation on his medical license at their January 2022 meeting.

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 APPROVE Dr. Asgar's controlled substances registration application.

Anderson/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

Traci Lynn Martin, N.P., License No. 71005608B, Cause No. 2022 IBP 0004

Respondent appeared telephonically and was represented by counsel, Elizabeth Schuerman regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

In August 2020, DEA and the Attorney General's Office came to Ms. Martin's offices to investigate issues with her prescribing of Phentermine to a patient.

She recently completed a three (3) day course in prescribing and has worked with her collaborating physician to revise office policies.

Her DEA was placed on an MOU restricting her from prescribing to herself, her family or co-workers.

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 APPROVE Ms. Martin's controlled substances registration renewal.

Anderson/Balla, 5/0/0
Motion carries

The following board members voted aye by roll call:

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

The following board members objected: none

The following board members abstained: none

Kevin Russell Watkins, D.V.M., License No. 24005820A, Cause No. 2021 IBP 0057

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

His DEA had audit controls placed on it by DEA after an employee stole two (2) pints of cough syrup with hydrocodone.

His DEA is now free and clear.

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 APPROVE Dr. Watkins' controlled substances registration renewal.

Bunton/Anderson, 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

John W. Cox, R.Ph., License No. 26016022A, Cause No. 2022 IBP 0003

Respondent did not appear telephonically and was not represented by counsel regarding a Final Hearing/Motion to Dismiss 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 Heather Orbaugh with Accurate Reporting Services also appeared telephonically.

Mr. Cox's license has expired, so due to the Elmer discission, Mr. Eldridge is requesting that this matter be dismissed without prejudice.

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 Mr. Eldridges's request to DISMISS without prejudice.

Landis/Anderson, 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

ImprimisRx NJ, LLC d/b/a IMPRIMIS Rx, License No. 64001650A, Cause No. 2021 IBP 0053

Respondent did not appear telephonically and was not represented by counsel, regarding a Final Hearing/Motion to Dismiss 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Mr. Ridlen indicated that the wrong entity was charged, they for they are requesting the Board to DISMISS this matter.

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 Mr. Ridlen's request to DISMISS.

Landis/Anderson, 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

Williams Bros Health Care Pharmacy, License No. 60006365A, Cause No. 2021 IBP 0050

Respondent appeared telephonically and was represented by counsel, Michael Chestnut regarding an Administrative Complaint/Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services.

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

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 for six (6) months 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.

Landis/Jablonski, 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

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 Default Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh, 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 hold her license in DEFAULT.

Anderson/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

Rodney Crawford, Case Analysis with the Attorney General's Office was sworn in as a witness.

Mr. Crawford indicated that she was charged with dealing a narcotic drug among other charges. She diverted Hydrocodone from her employer for self-use and for selling. In a plea deal with the courts, she was sentenced to ten (10) years in prison.

States Exhibits:
A – Court documents
B – Sentencing Order
C – Employee Records

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

Landis/Anderson, 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

Extension of Tech in Training Licenses:

Ms. Edens explained to the Board that due to COVID technician in training applicants weren't getting their training in the year they have and everyone is requesting an extension of the training license. She requested the Board to approve an additional six (6) months extensions automatically for all Tech in Training licenses.

After discussion, the Board moved to APPROVE the automatic six (6) month extension on all Technician in Training licenses.

Anderson/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

Emergency Drug Scheduling:

- Tianeptine – also known as:
 - Tianeptine Sulfate
 - Tianeptine sodium powder
 - Tianaa
 - Tianna Green
 - Tianna Red
 - Tianna White

TITLE 856 INDIANA BOARD OF PHARMACY

Emergency Rule

LSA Document #22-___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) Tianeptine, also known as Tianeptine sodium powder, Tianna, Tianna Green, Tianna Red and Tianna White.

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.

Anderson/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

Zaneta Nunnally, Compliance Director Report:

Ms. Nunnally reported the following:

For the month of January 2022, the Compliance Officers completed the following inspections:

- 44 CSR
- 10 Home Medical Equipment
- 51 Pharmacy

A total of 27 violations were found.

There were no pharmacy robberies for the month of January.

The Board thanked Ms. Nunnally for her report.

Kara Slusser, INSPECT Director:

Ms. Slusser appeared before the Board to request the use of INSPECT funds for the NATTY Conference. It would be to send Zaneta Nunnally and one (1) other Compliance Officer.

After discussion, the Board moved to APPROVE the funds for Zaneta and one other to go to the NATTY Conference.

Anderson/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

There being no further business the Board adjourned at 1:57 p.m.