

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 DECEMBER 13, 2021

Mark Smosna, R.Ph., Vice 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 by Telephone: Mark Smosna, R.Ph., Vice President
Mark Bunton, R.Ph., Member
Winnie Landis, R.Ph., Member
Matt Balla, R.Ph., Member

Members Absent: Steve Anderson, R.Ph., President
Jason Jablonski, R.Ph., Member

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

The Board voted by roll call to adopt the agenda.

Landis/Balla, 4/0/0
Motion carries

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

FULL BOARD APPEARANCES

The following full board appearance(s) did not appear:

- **Kristie Rose, Staff Operations Specialist – Tactical Specialist, FBI Indpls. –**

INSPECT Data Request

Nichole Cover, R.Ph., Director of Pharmacy Affairs, Walgreens – PIC Shortages:

Ms. Cover appeared to discuss this matter with the Board.

She indicated right now she has twenty (20) stores without a pharmacist manager and eighteen (18) stores with temporary PIC's.

By statute, the stores are required to have a qualifying pharmacist.

The Board thanked Ms. Cover for her concern and information. They requested that Laura Turner, Board Director and Kurt Miller, J.D., Boards Advisory Counsel look at the statute and see if there is anything the Board can do to "fix" this issue as it's not just with Walgreens, but it's all over at all pharmacies.

Brad Ray, RTI International and Josie Fasoldt, MPH – INSPECAT Data Request:

Mr. Ray and Ms. Fasoldt both appeared on behalf of this matter.

Dr. Ray is requesting INSPECT data for the purpose of completing an analysis for the State Opioid Response (SOR) grant. The SOR grant is funded through FSSA-DMHA and has the support of the GOV Drug Prevention, Treatment, and Enforcement (PTE) Office.

After discussion, the Board moved to APPROVE the request for INSPECT data.

Balla/Landis, 4/0/0
Motion carries

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

Angela Shamblin, Marion County Health Department – Previous INSPECT Data Request – to discuss issues:

Ms. Shamblin appeared on behalf of this matter.

Information was received from MPH that the data Marion County Health Department has requested if pared with Regenstrief makes the data identifiable.

Ms. Shamblin during her discussion with the Board indicated that there is no possible way the data can be identified. The grant for this project ends on August 31, 2022.

After discussion, the Board moved to APPROVE the project to move forward.

Bunton/Balla, 4/0/0
Motion carries

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

Pensacola Apothecary d/b/a Everwell Specialty Pharmacy – Non Resident App – Positive Response:

Casey Trest appeared on behalf of this matter.

Casey explained that they sent a patient in Alabama something they shouldn't have, and the physician's office reported them.

Alabama and Florida both completed inspections. Florida placed their facility license on Probation, it has since been lifted.

They are licensed in twenty (20) states, and all have active/clear license.

After discussion, the Board moved to APPROVE their Non Resident Application.

Landis/Balla, 4/0/0
Motion carries

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

Genoa Healthcare – All Non Resident Renewals – Should have answered “yes” and did not:

Nick Vucurevich appeared on behalf of this matter.

Mr. Vucurevich informed the Board that back in 2020, the Georgia Board of Pharmacy took disciplinary action against Genoa.

The Georgia consent order indicates the following: “On or about May 9, 2019, the Georgia Drugs and Narcotics Agency initiated an investigation after a report of possible diversion at the Respondent (Genoa) pharmacy. The investigation revealed that the pharmacy has a loss of 1,660 tablets of amphetamine 20mg and 370 tablets of amphetamine 30mg from May 2017 until May 2019. Further investigation confirmed that the technician employed at the pharmacy diverted the tablets.

Upon discovery of the possible diversion of controlled substances, Respondent (Genoa)

promptly: terminated the pharmacy technician and the Pharmacist in Charge (PIC) and reported the possible diversion to the Georgia Drugs and Narcotics Agency.

In a consent order with Genoa, the Georgia Board issued a \$4,060 FINE payable within sixty (60) day. The fine was paid in full.

After discussion, the Board moved to APPROVE all Genoa license renewals.

Landis/Balla, 4/0/0
Motion carries

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

Covanta Environmental Solutions, LLC – Wholesale Drug Distributor Application – Provisional License Request:

Scott Willard and Dave Moran both appeared on behalf of this matter.

Covanta is a reverse distribution facility. They will receive mailed back material. It is customer generated. Customers that assist with drug takeback program and the DEA send them expired controlled substances and expired legend drugs.

They send out anywhere from five (5) to ten (10) thousand envelopes and they are then returned to Covanta for destruction.

They cannot keep track of what drugs are actually sent to them for destruction as DEA precludes them from opening the envelopes. Once received the envelope and all contents are destroyed.

After discussion, the Board moved to APPROVE a Provisional WDD Licenses for Covanta.

Bunton/Balla, 4/0/0
Motion carries

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

PERSONAL APPEARANCES

The following personal appearance was continued:

- **Terri Bacon, Technician/Tech in Training App – Positive Response**

Hakyung Yeo, R.Ph., MPJE Repeat Exam Application:

Hakyung Yeo appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Bunton/Balla, 4/0/0
Motion carries

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

The following board members objected: none

The following board members abstained: none

Amanjot Kaur, R.Ph., MPJE Repeat Exam Application:

Amanjot Kaur appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Landis/Bunton, 4/0/0
Motion carries

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

The following board members objected: none

The following board members abstained: none

Drishti Shah, R.Ph., MPJE Repeat Exam Application:

Drishti Yeo appeared telephonically before the Board and discussed his/her studying habits with the Board.

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

Landis/Balla, 4/0/0
Motion carries

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

Thomas Sample, Ph.T., License # 67029175A – License Renewal – Positive Response:

Thomas Sample appeared telephonically before the Board and was not represented by counsel regarding a positive response on his renewal 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 respondent. Mr. Sample was fine with both participating.

Mr. Sample stated that all this started about four and a half years ago, when he was terminated from CVS for having an unopened bottle of vodka in his locker at work. He did state that he was never intoxicated while working.

Mr. Sample explained to the Board that last year he went into rehabilitation due to alcohol and depression. He completed it in October 2021, although he remains in contact with his counselor at the rehab center. He goes to two (2) AA meetings per week and has a sponsor. He also sees a psychiatrist for his depression.

His sobriety date is September 26, 2020.

After discussion, the Board moved to RENEW Mr. Sample's Technician License on AGREED INDEFINITE PROBATION may not lift for one (1) year with terms and conditions.

Balla/Smosna, 4/0/0
Motion carries

The following board members voted aye by roll call:
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 Pharmacy #6913, License No. 60004768A, Cause No. 2021 IBP 0042
Darren Delong, R.Ph., License No. 26024360A, Cause No. 2021 IBP 0041

Jason Singer, R.Ph., License No. 26021221A, Cause No. 2021 IBP 0003

Respondent appeared telephonically and was represented by counsel, Todd Ess 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Mr. Singer currently works at Eli Lilly and Company.

Back in 2020 he was pulled over for driving close to the left of the center line. The Police Officer gave him a sobriety test and his BAC was .095. He was placed on criminal probation for one (1) year.

He appeared before the board for his license renewal shortly after the incident and his license was placed on agreed Indefinite Probation until he successfully completed his court probation.

Petitioner's Exhibits:

- 1 – Letter from Probation Officer
- 2 – His contact information
- 3 – Copy of signed Board order
- 4- Letter from his supervisor and copy of his hair follicle analysis.

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.

Balla/Landis, 4/0/0
Motion carries

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

Melinda Bruner Blake, R.N., APN, License No. 71006530B, Cause No. 2021 IBP 0054

Respondent appeared telephonically and was represented by counsel, Laura Iosue 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.

Tracy Traut, MS, LCAC, IPRP Program Director was sworn in as a witness.

Let the record reflect that Matt Balla explained that he is employed by Ascension but does not have knowledge of this respondent. Ms. Iosue was fine with him participating.

Ms. Bruner Blake is currently not practicing as she has formal charges pending for diversion at her workplace.

She has a contract with IPRP for her addiction. July 2020, she relapsed and had to go back to Parkdale, who required her to go to Sober Living. She completed three (3) months at Sober Living Life House and indicated it really helped her.

She has been sober for seventeen (17) months.

Ms. Traut testified that they have watched her make an amazing recovery and are very proud of her.

Respondent's Exhibits:

- 1 – Letter from Terry Harmon
- 2 – Letter from Tim Kelly
- 3a – Letter from Ashley DePrez, LCSW, LCAC
- 3b – email from Melinda Bruner Blake
- 4a – Letter from Brittany Sholtis, MS, IPRP
- 4b – 2nd Letter from Brittany Sholtis, MS, IPRP
- 4c – 3rd Letter from Brittany Sholtis, MS, IPRP
- 5a – Chronological Case Summary
- 5b – Pleas agreement
- 6 – Letter from Terry Harmon
- 7 – Letter from Alice Olson, LMHC, LCAC, NCACM

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

Balla/Bunton, 4/0/0
Motion carries

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

Mikhail Galperin, M.D., License No. 01075196B, Cause No. 2019 IBP 0018

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

Zaneta Nunnally, Compliance Director was sworn in as a witness.

February 2018, both Dr. Galerin's medical License and controlled substances registration were placed on summary suspension. In May 2019, the Board placed his controlled substances registration (CSR) on indefinite probation.

H was charged with obtaining a controlled substance by fraud. He completed his criminal probation on February 6, 2020. His sobriety date is January 18, 2018. He has a five (5) year contract with ISMA.

Ms. Nunnally testified that he has been in compliance with all terms of his probationary order.

Respondent's Exhibits:

A – Proposed settlement agreement

B – ISMA compliance letter

C – Modified terms of probation

D– Email from Ms. Nunnally

E – MOU with DEA

F – Letter from Michael Person, M.D.

G – MLB Probation Order

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

Smosna/Balla, 4/0/0

Motion carries

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

The following board members objected: None

The following board members abstained: None

Charles Heinsen, M.D., License No. 01021497C, Cause No. 2017 IBP 0023

Respondent appeared telephonically and was represented by counsel, Amy Anderson regarding a Petition for Withdraw of Probation scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Zaneta Nunnally, Compliance Director was sworn in as a witness.

Ms. Nunnally testified that she doesn't think the Respondent is in compliance with the Board's probation order because:

- Not aware of his place of employment
- Did not know he had a monitor
- Missing quarterly reports

Dr. Heinsen informed the Board that Dr. Gatzimos is his monitor and reviews all his prescriptions and signs off on them. They also discuss his cases and no issues have been brought to his attention. Dr. Gatzimos also reviews Dr. Heinsen’s INSPECT report.

He writes about twenty (20) to twenty-five (25) prescriptions a week. He submits them to Dr. Gatzimos every two (2) months, he reviews them after the patient gets the prescription.

Petitioner’s Exhibits:

- A – MOU with DEA
- B – Affidavit from Dr. Alexander Gatzimos
- C – Record of CME’s
- D – Beacon Health certificate of completion – Opioid CE
- E – Proposed Controlled Substance agreement with Dr. Heinsen

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

Landis/Smosna, 4/0/0
Motion carries

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

Michael Provaznik, M.D., License No, 01060166B, Cause No, 2017 IBP 0102

Respondent appeared telephonically and was represented by counsel, Mike Garte regarding a Petition for Probation Modification scheduled before the Board. The State of Indiana was represented by Sha’na Harris-Terry, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Mr. Garte informed the Board that Dr. Provaznik is willing to agree to stay on probation for an additional year if the Board will modify the terms of his probation to allow him to write for schedules II and IIN.

He has completed fifty (50) hours of CME with an additional eight (8) hours on prescribing. He has had five (5) plus year of sobriety and he has extended his contract with ISMA.

Respondent’s Exhibits:

- A – Copies of Orders
- B – Letter from ISMA
- C – Self Assessment
- D – CE

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to ALLOW the Respondent to prescribe schedules II and IIN and extended his INDEFINITE PROBATION for one (1) year.

Landis/Balla, 4/0/0
Motion carries

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

Sarah Gourley, Ph.T., License No. 67029782A, Cause No. 2019 IBP 0079

Respondent did not appear telephonically and was not represented by counsel regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Amy Osborne, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Ms. Gourley's technician license expired on 6/30/2021 and because of the Courts decision the Board may not discipline expired licenses therefore the AG's office has requested this matter to be dismissed.

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.

Landis/Balla, 4/0/0
Motion carries

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

Christopher Haseker, R.Ph., License No. 26028631A, Cause No. 2021 IBP 0049

Respondent appeared telephonically and was represented by counsel, Laura Iosue regarding a Summary Suspension Extension/Motion to Invalidate License 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Sam Enloe was sworn in as a witness for the Respondent.

Mr. Weber informed the Board that the Respondent did not meet the minimum requirements for licensure according to IC 25-26-13-11A / D

The Respondent stated he went to Concordia College in Delaware. He said his course of study was self-taught and Concordia reviewed all his information and issued him a R.Ph. degree. Said it was based on life experiences. He admitted to the Board that he has not graduated from an ACPE accredited school as required by the Board's statute/rules.

He stated that he had a personal appearance before the Board in March of 2020 and the Board approved his application.

The Board was only reviewing his positive response documentation not his file for requirements.

In 2015, NABP invalidated the NAPLEX test because he used his cell phone while on break, later finding out that he had not graduated from an accredited pharmacy program.

He does not hold a pharmacist license in any states other than Indiana currently.

Respondents Exhibit:
14 – Information on ACPE

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

Landis/Balla, 4/0/0
Motion carries

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

Shirley Lindsey, Ph.T., License No, 67032904A, Cause No. 2019 IBP 0029

Respondent did not appear telephonically and was not represented by counsel regarding a Motion to Dismiss scheduled before the Board. The State of Indiana was represented by Amy Osborn, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Ms. Lindsey's technician license expired on 6/30/2021 and because of the Courts decision the Board may not discipline expired licenses therefore the AG's office has requested this matter to be dismissed.

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.

Landis/Bunton, 4/0/0
Motion carries

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

Mallory Price, Ph.T., License No. 67032010A, Cause No. 2021 IBP 0044

Respondent did not appear telephonically and was represented by counsel, Joseph Etling regarding an Administrative Complaint/Final Hearing 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 was presented to the Board. The proposed settlement agreement included INDEFINITE SUSPENSION and a \$500 FINE.

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

Landis/Bunton, 4/0/0
Motion carries

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

Bridget Williamson, P.A., License No. 10001720B, 2021 IBP 0048

Respondent did not appear telephonically and was not represented by counsel 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 also appeared telephonically.

A proposed settlement agreement was presented to the Board. The proposed settlement agreement included INDEFINITE SUSPENSION for no less than five (5) 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 to APPROVE the Settlement Agreement.

Bunton/Landis, 4/0/0
Motion carries

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

Kelly Franks, R.Ph., License No. 26019542A, Cause No. 2021 IBP 0027

Respondent appeared telephonically and was represented by counsel, Jennifer Strange regarding a 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 was presented to the Board. The proposed settlement agreement included a VOLUNTARY SURRENDER of license.

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

Landis/Balla, 40/0
Motion carries

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

Walgreens Co. d/b/a Walgreens #07926, License No. 60005834A, Cause Mp/ 2020 IBP 0022

Respondent appeared telephonically and was represented by counsel, Gary Peters regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Amy Osborn, Deputy Attorney General, and the court reporter sworn in for this matter was Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

Ron Hinderliter and Kim Russell, both Compliance Officers were sworn in as witnesses.

A proposed settlement agreement was filed with the Attorney General's Office, but an email from Walgreens was received stating that they wished to withdraw the settlement

agreement.

After reviewing the withdrawal email and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to DENY the Settlement Agreement.

Landis/Balla, 4/0/0
Motion carries

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

A Summary Suspension motion was on the table and after discussion the Board proceeded with the Summary Suspension hearing.

This facility has a history of inability to meet the basic compliance issues. She has found dirty conditions and expired medications still on the shelf.

In 2014 and 2-15 after an inspection the facility was placed on a CAP.
In 2019 after an inspection the facility failed the inspection
In May 2021, again after an inspection, the facility failed the inspection.

Ms. Russell testified that she was the Compliance Officer that completed the inspections on May 24, 2020, and in November 2021.

She indicated that at the time of one of the inspections they did not have the paperwork showing the scale had been calibrated. She found expired drugs and unlabeled bottles on the shelves. There was dust and debris on the shelves, countertops, and floors. This sink was also dirty and there were sixteen (16) pills found on the floor in the pharmacy.

Mr. Hinderliter testified that he also observed pills on the floor and the dirty areas. He was concerned about possible contamination of drugs on the shelves due to dirt and debris.

They have had a total of five (5) inspections which resulted in a CAP or FAILURE.

States Exhibits:

- A – 2019 Inspection report
- B – 2019 pictures
- C – 2021 Inspection report
- D – 2021 pictures
- E – 11/9/201 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 DENY the SUMMARY SUSPENSION.

Landis/Bunton, 4/1/0, with Mr. Balla objecting
Motion carries

The following board members voted aye by roll call:
Mark Smosna, Mark Bunton, Winnie Landis
The following board members objected: None
The following board members abstained: None

The Board further requested that a new Inspection be completed in three (3) days.

Brent A. Losier, R.Ph., License No. 26018627A, Cause No. 2017 IBP 0003

Respondent did not appear and was represented by counsel, Derek Peterson 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 Heather Orbaugh, with Accurate Reporting Services also appeared telephonically.

The stay was granted by the Court; based upon the court's action, the Attorney General's counsel, recommended that the Board dismiss the prior motion. Mr. Miller also informed the board that they should not rule on the motion for attorney fees filed by Mr. Peterson.

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 motion and indicated they would not rule on the request for attorney fees.

Landis/Bunton, 4/0/0
Motion carries

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

DISCUSSION

Charles Cornett, M.D. – Request to surrender his CSR:

In a letter from Dr. Cornett's counsel, he has requested to surrender his controlled substances registration. His medical license is on indefinite probation with a stipulation that he cannot prescribe any controlled substances.

After discussion, the Board moved to ACCEPT his request to SURRENDER his CSR.

Balla/Landis, 4/0/0

Motion carries

The following board members voted aye by roll call:
Mark Smosna, Mark Bunton, Winnie Landis, 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 November 2021, the Compliance Officers completed the following inspections:

- 74 CSR
- 8 Home Medical Equipment
- 45 Pharmacy

A total of 35 violations were found.

Ms. Nunnally also reported that in a NABP announcement they talked about staff shortages, including both pharmacist and technicians and that all states are facing this issue.

The Board thanked Ms. Nunnally for her report.

Kara Slusser, INSPECT Director Report:

1. The INSPECT team is looking into enabling Provider Authentication for the Gateway integrated solution. This would require end users accessing PDMP data through their EMR to have an active registration in AWARDx. Provider Authentication is an added level of security and would encourage a higher registration rate. Practitioners who are authorized to prescribe, dispense and/or administer controlled substances in Indiana are required by law to register for an INSPECT account in the AWARDx platform. I would like to start sending messages to CSR holders in the state to notify them of this upcoming change to the integration program and remind them that they need to complete their INSPECT registration. The go-live for provider authentication would likely be sometime in late February or March.
2. Earlier this month, INSPECT was asked to participate in a new integration pilot in the state of Illinois. This pilot uses the RxCheck system to integrate PDMP data into electronic medical records. This pilot is sponsored by CMS and involves a hospital in Chicago. Indiana's integration program has been utilizing interstate data since 2017, but this would be the first time the RxCheck system has used interstate data through an integrated solution. We had a call with CMS, the IL PDMP and their vendors to discuss the possibility of participating. Illinois does not have an

interstate data sharing agreement prepared for Indiana and they declined to ask the hospital to sign an end user agreement, which is standard practice for states allowing healthcare facilities to access PDMP data through direct EMR integration. Additionally, our agency was not provided with technical and security documentation for this pilot program. INSPECT uses the only HIRUST certified PDMP products on the market and RxCheck has not been vetted to meet the IT standards that Indiana requires for integration of PDMP data. For these reasons, Indiana is not going to participate in this pilot.

3. Due to the fact that this second integration program is in development, I would like the board to consider adopting formal policies around interstate data sharing for integration. Up to this point, formal policies have not been necessary because Indiana uses PMP InterConnect exclusively to share data with out of state healthcare providers. PMP InterConnect is operated by the National Association of Boards of Pharmacy and governed by member states. The NABP has data sharing and usage policies that have always been sufficient for member states using Gateway for integration.

The Board thanked Ms. Slusser for her report.

There being no further business the Board adjourned at 8:18 p.m.