

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

Minutes of June 13, 2022

Mark Bunton, R.Ph., Vice President, called the meeting to order at 8:35 a.m., pursuant to public notice posted at the principal office for the Board, 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:

Mark Bunton, R.Ph., Vice President
Winnie Landis, R.Ph., Member
Steve Anderson, R.Ph., Member

Members Absent:

Mark Smosna, R.Ph., President
Jason Jablonski, R.Ph., Member
Matt Balla, R.Ph., Member

PLA Staff Present:

Alyssa Servies, MPH, JD
Christine Cowdin

Advisory Counsel:

Kurt Miller, J.D.

Quorum has not been met, the Board will make recommendations that will be presented to the full Board for approval at a later date.

Full Board Appearances

William Cover, RPh – New NABP Supply Chain Inspection Program

Mr. Cover gave a presentation for their new supply chain inspection program that facilities will be able to use prior to receiving DDA (formerly VAWD) certification.

McKesson Drug Company, Ohio – Pre-Operational Inspection

No change of location application has been submitted yet. McKesson will be relocating one of their WDD licenses, wanted to discuss their options so service to customers in Indiana is not disrupted.

Jefferson Ridge Emergency Department – CSR Remote Location

This is an eleven (11) bed facility, using an Omni cell cube with badge access. Planning for an August opening date. The machine will be restocked on site. Policy as listed is hospital policy.

The Board TABLED application for Policy and Procedures for this machine and a list of employees who will have access at this location.

Personal Appearances

The following did not show for their scheduled personal appearance:

India Brumfield, Tech/Tech in Training – Initial App – Positive Response
Juan Rodriguez, Tech/Tech in Training – Initial App – Positive Response
Lashae Butler, Tech/Tech in Training – Initial App – Positive Response
Kaliea Booker, Tech/Tech in Training – Initial App – Positive Response
Joshua Hornett, Tech/Tech in Training – Initial App – Positive Response
Christopher Rochon, RPh, 26028626A – Renewal – Positive Response
Brenda Lee Wiley, PhT, 67019728A – Renewal – Positive Response

The following personal appearances were CONTINUED:

Melissa Edwards, Tech/Tech in Training – Initial App – Positive Response
Moustafa Afifi, Pharmacist - Re-exam NAPLEX
Kaitlyn Sprinkle, Tech/Tech in Training – Initial App – Positive Response

Shelby Schleiter, PhT, 67032650A – Renewal – Positive Response

Shelby Schleiter appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Ms. Schleiter explained to the Board that in June 2019 she was arrested for possession of marijuana. She pled guilty and has completed 365 days of probation.

After discussion, the Board moved to RECOMMEND that Shelby Schleiter’s license be RENEWED.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Brianne Wozniak - Tech/Tech in Training Initial App – Positive Response

Brianne Wozniak appeared in person and was not represented by counsel regarding a positive response on an initial application.

Ms. Wozniak explained to the Board that she currently has a case pending. She has alcohol issues related to domestic violence. Has been sober for two months. Currently in therapy 1 x per week at treatment center.

Ms. Wozniak states that she is currently in treatment with Porter Stark, case manager and therapist.

The Board discussed that any license granted while case is pending would be on probation, applicant was ok with that.

Board advised that she will be rescheduled for another meeting and should work at getting letters of recommendations from her employer and/or co-workers and her case manager/therapist.

After discussion, the Board moved to RECOMMEND that Brianne Wozniak's application be TABLED for the next meeting when there will be a quorum.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

BreeAnna Hout, Tech/Tech in Training Initial App – Positive Response:

BreeAnna Hout appeared in person and was not represented by counsel regarding a positive response on her tech/tech in training application.

Ms. Hout stated that she has multiple closed cases, nothing to do with drugs, alcohol or anything that would affect her licensure. She still has some outstanding court fees.

After review of the documentation and discussion, the Board moved to RECOMMEND Ms. Hout's tech/tech in training application be APPROVED AFTER SHE PROVIDES PROOF OF PAYMENT OF COURT COSTS.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson

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

Sarah Statt, RPh, 26024752A – Renewal – Positive Response

Sarah Statt appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Ms. Statt explained to the Board that she received a religious exemption for COVID testing and vaccination. In August 2021 she broke COVID protocol by entering a skilled nursing unit. She received a written reprimand, did not contest the incident. Says she has not been up to the SNF floor since then.

After discussion, the Board moved to RECOMMEND that Sarah Statt's license be RENEWED.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Paul Lim, RPh, 26025562A – Renewal – Positive Response

Paul Lim, RPh appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Mr. Lim explained to the Board that in 2018 a nurse practitioner filled under her name rather than the RPh's name. NP was disciplined. Kentucky BOP issued an agreed order, no disciplinary action was taken against his license.

After discussion, the Board moved to RECOMMEND that Paul Lim's license be RENEWED.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Timothy Davis, RPh, 26027241A – Renewal – Positive Response

Timothy Davis appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Mr. Davis discussed an ongoing theft case from April 2022. Has been a pharmacist for 5 years. Pretrial is set for July 25, 2022.

Board advised that he will be rescheduled for the August Board meeting.

After discussion, the Board moved to RECOMMEND that Timothy Davis' renewal be TABLED for the next meeting when there will be a quorum.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Kylee Sweeney, PhT, 67022374A – Renewal – Positive Response

Kylee Sweeney appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Ms. Sweeney discussed an OWI she received in October 2021, BAC over .15. Still drinks on occasion.

Board advised that she will be rescheduled for another Board meeting after receiving an addictionology evaluation and letters of recommendation.

After discussion, the Board moved to RECOMMEND that Kylee Sweeney's renewal be TABLED for an addictionology evaluation and letters of recommendation.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Ryan Yackley, PhT, 67022956A – Renewal – Positive Response

Ryan Yackley appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Mr. Yackley explained to the Board that he was terminated due to insubordination after he

got into an argument with his supervisor. He is not currently working as a pharmacy technician.

After discussion, the Board moved to RECOMMEND that Ryan Yackley's license be RENEWED.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Ana Rodriguez-Merino, PhT, 67037675A – Renewal – Positive Response

Ana Rodriguez-Merino appeared in person and was not represented by counsel regarding a positive response on a renewal application.

Ms. Rodriguez-Merino explained to the Board that she was charged with OWI in February 2022. She took a plea deal and is under a diversion agreement until October 2022. Currently works at CVS as a technician.

After discussion, the Board moved to RECOMMEND that Ms. Rodriguez-Merino's license be RENEWED ON PROBATION with terms and conditions. She agrees to renewal on probation.

Consensus, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following hearing(s) were continued:

- **Vyto's Pharmacy #1, License No. 60003794A, Cause No. 2021 IBP 0031**
- **Shayla Booth, License No. 99104015A, Cause No. 2022 IBP 0011**
- **CVS Pharmacy #6260, License No. 60004498A/B, Cause No. 2022 IBP 0024**
- **Patience T. Elsner, RPh, License No. 26020865A, Cause No. 2022 IBP 0022**
- **Nathalie Jones RPh, License No. 26020814A, Cause No. 2021 IBP 0060**
- **Christine L. Mason, RPh, License No. 26023905A, Cause No. 2022 IBP 0023**

- **Katherine Hawkins, RPh, License No. 26023865A, Cause No. 2022 IBP 0033**

Nicholas Boggs, License No. 45023211A, Cause No. 2022 IBP 0005

Respondent appeared in person and was not represented by counsel, regarding Probation Withdrawal 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.

Mr. Boggs is a P2 student at Butler University, he stated that he has completed his diversion program and is requesting that the probation be withdrawn from his license.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to RECOMMEND the request to withdraw probation be DENIED based on the diversion program NOT being completed.

Balla/Landis, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Nicole Cogan, RPh, License No. 26021867A, Cause No. 2021 IBP 0021

Respondent appeared in person and was not represented by counsel regarding Probation Withdrawal 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.

Ms. Cogan discussed that her Indiana probation was based on Ohio license being on probation. Ohio has removed the probation from her license. She is currently working in Ohio.

After having considered the evidence presented, taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to RECOMMEND probation be WITHDRAWN from her license.

Anderson/Landis, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Shatteri E. Stanley, PhT, License No. 67028338A, Cause No. 2016 IBP 0006

Respondent appeared in person and was not represented by counsel regarding Probation Withdrawal 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.

Ms. Stanley's pharmacy technician license was issued on probation in 2016 based on a positive response on her initial application. She now informs the Board that her court fees have been paid and she has had no further issues and she wishes to have the probation removed from her license.

Ms. Stanley states she is not currently working as a pharmacy technician but wishes to keep her license active and free and clear in case she needs it.

After having considered the evidence presented, taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to RECOMMEND probation be WITHDRAWN from her license.

Anderson/Landis, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

CVS Pharmacy #1138, License No. 60005923A, Cause No. 2022 IBP 0026

Respondent did not appear in person but was represented by counsel, Harold Hilborn, regarding an Order to Show Cause for a positive response on their license renewal 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.

Counsel stated that they answered in the affirmative to question number 2 on their renewal because one of their pharmacists has previously had discipline against his license.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to RECOMMEND RENEWAL of their license.

Anderson/Landis, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

CVS Pharmacy #6555, License No. 60004587A, Cause No. 2022 IBP 0027

Respondent did not appear in person but was represented by counsel, Harold Hilborn, regarding an Order to Show Cause for a positive response on their license renewal 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.

Counsel stated that the affirmative answer to question number 5 on their renewal was due to a clerical error. No actions have been taken against this license.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to RECOMMEND RENEWAL of their license.

Anderson/Landis, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Bailey Moore, PhT, License No. 67025253A, Cause No. 2022 IBP 0001

Respondent did not appear in person and was not represented by counsel regarding a Default Hearing 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.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and order in the matter the Board moved to RECOMMEND holding the Respondent's license in DEFAULT.

Anderson/Landis, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Brittany Snow was sworn in as a witness.

Licensee sent racist and threatening messages to someone on Facebook. She pled guilty to felony charges.

State's Exhibit(s):

A/1 – Certified copy of records from Jackson County

B/2 – Email response to AG's office from licensee

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and order in the matter the Board RECOMMENDED REVOCATION of Respondent's license.

Landis/Bunton, 3-0-0
Motion carries

The following board members voted aye:
Mark Bunton, Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

DISCUSSION

Reports:

- Director's Report presented by Alyssa Servies
- INSPECT Report
- Compliance Report
- Attorney General Report

There being no further business the Board ADJOURNED.