

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

Minutes of March 13, 2023

Mark Bunton, R.Ph., President, called the meeting to order at 8:31 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), 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., President
Jason Jablonski, R.Ph., Vice President
Winnie Landis, R.Ph., Member
Steve Anderson, R.Ph., Member

Members Absent:

Mark Smosna, R.Ph., Member
Matt Balla, R.Ph., Member

PLA Staff Present:

Alyssa Servies, MPH, JD
Christine Cowdin

Advisory Counsel:

Leif Johnson, J.D.

The Board voted to adopt the agenda.

Landis/Anderson, 4-0-0
Motion carries

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

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

The Board voted to adopt the minutes from the meeting of December 12, 2022. Landis/Anderson 4-0-0.

The Board voted to adopt the minutes from the meeting of January 9, 2023.
Landis/Anderson 4-0-0.

The Board voted to adopt the minutes from the meeting of February 13, 2023.
Anderson/Jablonski 4-0-0.

Full Board Appearances

Darren Covington – Legislative Update:

Darren Covington, Executive Vice President, Indiana Pharmacy Association, gave the Board an update on bills that affect the practice of pharmacy in Indiana.

Meridian Health Rx – Anderson – Remote Dispensing Facility Initial App:

Courtney Snell, PIC at Meridian Health in Muncie, Ryan Seele, representative from Omnicell appeared on behalf of this matter.

Inside Meridian Health doctor's office in Anderson, working at hiring pharm tech or RPh for the site. Will only fill prescriptions written in that office. They have already passed inspection. 24-hour surveillance, video counseling available for patients. No ADMs in building. Sch 2 will be in safe.

After discussion, the Board moved to APPROVE application.

Anderson/Jablonski, 4-0-0
Motion carries

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

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

Phil's Discount Drugs – Change of Ownership App (60006111B CSR on Probation):

Mark Robbins, new owner, appeared on behalf of this matter. Tech theft case 2018/2019 settlement with DEA, Indiana licenses placed on probation. Need second inspection before request for removal of probation can happen.

After discussion, the Board moved to APPROVE application.

Anderson/Jablonski, 4-0-0
Motion carries

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

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

Phil's Health Mart Pharmacy – Change of Ownership App (60006328A on Probation):

Mark Robbins, new owner, appeared on behalf of this matter. Tech theft case 2018/2019 settlement with DEA, Indiana licenses placed on probation. Need second inspection before request for removal of probation can happen.

After discussion, the Board moved to APPROVE application.

Anderson/Jablonski, 4-0-0
Motion carries

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

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

Clark Memorial Health Jeffersonville – Remote Location App:

Clark Memorial Hospital is responsible Pharmacy – 60006501A

John Foushee, Director of Pharmacy for Clark Memorial Hospital appeared on behalf of this matter. Clark wants to open a freestanding 8 bed ED about 5 miles down road. Has an Omnicell machine that will house 100% of medication on site. Will have separate DEA license for location. Inventory coordinator, techs will load non-ctrls. Nurses will have access to cabinet.

After discussion, the Board moved to APPROVE application pending passing inspection.

Landis/-Anderson, 4-0-0
Motion carries

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

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

Personal Appearances

The following did not show for their scheduled personal appearance:

Gwendolyn Tutt - Tech/Tech in Training Initial App – Positive Response

Velitta Murphy - Tech/Tech in Training Initial App – Positive Response

David Hague, RPh. - Reinstatement App – Positive Response

Angela Mahabir, R.Ph., - MPJE Repeat Exam App:

Angela Mahabir appeared before the Board and discussed his/her studying habits with the Board. Went to school in FL graduated 2020, licensed in NV and TX.

After discussion, the Board moved to APPROVE Angela Mahabir's repeat exam application.

Landis/Jablonski, 4-0-0
Motion carries

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

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

Maryam Yasin, R.Ph., - MPJE Repeat Exam App:

Maryam Yasin appeared before the Board and discussed his/her studying habits with the Board. She graduated in 2012. She graduated in Pakistan and is now a pharmacist in US in 2021. She has been working in Chicago. She relocated last year for CVS. She will be using the Purdue study materials.

Mark Bunton explained that he is employed by CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating.

After discussion, the Board moved to APPROVE Maryam Yasin's repeat exam application.

Landis/Anderson, 4-0-0
Motion carries

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

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

Colin Sinclair, R.Ph., - MPJE Repeat Exam App:

Colin Sinclair appeared before the Board and discussed his/her studying habits with the Board. Graduated in 2019, bought book from Amazon for last attempt. Life issues before second exam attempt. Using Purdue CE course this time

After discussion, the Board moved to APPROVE Colin Sinclair's repeat exam application.

Landis/Jablonski, 4-0-0
Motion carries

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

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

Angelle Dominique, R.Ph., - NAPLEX Repeat Exam App:

Angelle Dominique appeared before the Board and discussed his/her studying habits with the Board. Midwestern University in IL, 2022

Hired tutor, working each week since December 2022

After discussion, the Board moved to APPROVE Angelle Dominique's repeat exam application.

Jablonski/Landis, 4-0-0
Motion carries

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

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

Joshua Madueke, R.Ph., - NAPLEX Repeat Exam App:

Joshua Madueke appeared before the Board and discussed his/her studying habits with the Board. 2022 graduate Chicago State University. Took time off work to study, purchased new materials to study.

After discussion, the Board moved to APPROVE Joshua Madueke's repeat exam application.

Landis/Jablonski, 4-0-0
Motion carries

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

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

Brittany Raber - Tech/Tech in Training Initial Application – Age Waiver 17 years old:

Brittany Raber appeared in person and was not represented by counsel regarding an age waiver request for pharmacy technician/tech in training application.

Works as cashier at Williams Brothers Pharmacy, she is junior in high school. Taylor Williams is supervisor.

After discussion, the Board moved to APPROVE Brittany Raber's tech in application and issue tech in training permit with expiration date of 6.30.24

Landis/Anderson, 4-0-0
Motion carries

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

Michael Hawash - Pharmacist Initial App – Positive Response:

Michael Hawash appeared in person and was not represented by counsel regarding a positive response on a pharmacist application.

Works at PharmScript in NJ. Work primarily focuses on communications with prescribers and other shared services. He has been appointed by his company as the pharmacist license holder. Surrendered his NJ license in 2016 for substance abuse. Entered the state professional treatment program. In 2019, NJ gave him a restricted license. Chose to voluntarily continue the treatment program. He will be sober for 6 years this April.

After discussion, the Board moved to APPROVE initial application.

Anderson/Jablonski, 4-0-0
Motion carries

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

Adonis Vergara, III - Pharmacist Initial App – Positive Response:

Mr. Vergara appeared in person and was not represented by counsel regarding a positive response on a pharmacist application.

He was working with PharmScript in Ohio and reported twelve (12) technicians who were working without licensure. The technicians were working remotely and primarily doing data entry. Lives in OH. Needs IN license to provide shared services. Ohio action settled regarding pharm techs working without licenses, \$750 fine and additional CE.

After discussion, the Board moved to APPROVE application.

Landis/Anderson, 4-0-0
Motion carries

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

Erin Valentine - Tech/Tech in Training Initial Application – Positive Response:

Erin Valentine appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.
Plea agreement not yet executed.

Motion was made and seconded to TABLE application until court case has resolved.

Jablonski/Anderson, 4-0-0
Motion carries

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

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

Geia Barbee - Tech/Tech in Training Initial App – Positive Response:

Geia Barbee appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.
She had three past criminal cases. Completed all her obligations. Works at Kroger, doing cashier duties, working through book/computer work in training program.

After discussion, the Board moved to APPROVE application.

Landis/Jablonski, 3-0-1
Motion carries

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

Summer Fitzwater - Tech/Tech in Training Initial App – Positive Response:

Summer Fitzwater appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.
Fitzwater had a criminal matter and completed probation in January 2023.

After discussion, the Board moved to APPROVE application.

Jablonski/Landis, 4-0-0
Motion carries

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

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

Christopher Kelley - Tech/Tech in Training Initial App – Positive Response:

Christopher Kelley appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

Kelley reported a criminal matter where he was convicted of an OWI. Currently employed as a QMA. On criminal probation until August 2023. Wants to pursue employment with CVS. Adding additional job.

Mark Bunton explained that they are both employed with CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating.

Motion was made and seconded to TABLE application for addictionology report.

Jablonski/Landis, 4-0-0
Motion carries

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

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

Jessica Bain – Nursing CSR App – Positive Response:

Jessica Bain appeared in person and was not represented by counsel regarding a positive response on a Nursing CSR application. Her Texas nursing license had a warning issued for a period for one year. She is here for locums work for a hospital system.

After discussion, the Board moved to APPROVE application.

Landis/Jablonski, 4-0-0
Motion carries

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

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

Jessica Roberts – Nursing CSR App – Positive Response:

Jessica Roberts appeared in person and was not represented by counsel regarding a positive response on a Nursing CSR application. Her IN license was previously on probation and she underwent monitoring through the Indiana Professionals Recovery Program. It is now free and clear. She is working for “Recovery Works” with collaboration with a physician.

After discussion, the Board moved to APPROVE application.

Landis/Jablonski, 4-0-0
Motion carries

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

Chineye Georgina Ozokwelu –26026848A - Reinstatement - PR

Chineye Ozokwelu appeared in person and was not represented by counsel regarding a positive response on a pharmacist renewal application. She pled guilty to an OWI and completed a pre-trial diversion program. The matter was dismissed in 2022. She works for several hospital systems through PRN.

After discussion, the Board moved to APPROVE application.

Landis/Jablonski, 4-0-0
Motion carries

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

DISCUSSION

Board Director's Report – Presented by Alyssa Servies

OAG Report - Presented by DAG, Ryan Eldridge

INSPECT Report – Presented by Kara Slusser

Compliance Director Report – Director Zaneta Nunnally

Compounding Rulemaking Committee

Rulemaking Committee

- Ephedrine & Pseudoephedrine
- Pharmacy Technician Immunizations
- IBP Rule Update
- Controlled Substances

ADMINISTRATIVE HEARINGS

Chelsey A. Kennett, Ph.T., License NO. 67019147A, Cause No. 2022 IBP 0059

Summary Suspension Extension

DAG: Rebekah Hammond

Respondent: Not present

Witness(es): None

Exhibit(s): None

Let the record reflect that Mark Bunton explained that they are both employed with CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating.

A motion was made and seconded to renew the summary suspension for ninety (90) days.

Landis/Jablonski, 4-0-0

Motion carries

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

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

Stacey Nicole Price, RPh - License No. 26021450A, Cause No. 2016 IBP 0081

Probation Withdrawal

DAG: Ryan Eldridge

Respondent: Present and comfortable proceeding without counsel.

Witness(es): Bret Busy, PLA Compliance Diversion Investigator
Vincent Price, Character Witness

Exhibit(s): Petitioner's Exhibit 1: Letter of Recommendation from Pharmacy Manager
Petitioner's Exhibit 2: Letter of Recommendation from Pharmacy Practice
Coordinator

A motion was made and seconded to withdraw the probation.

Anderson/Landis, 4-0-0

Motion carries

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

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

Vyto's Pharmacy #1 – License No. 60006810A, Cause No. 2021 IBP 0031

Probation Withdrawal

DAG: Ryan Eldridge

Respondent: Present with counsel, Stephanie Eckerle

Witness(es): Nathan Damasius, Qualifying Pharmacist

Exhibit(s): Exhibit A: Plan of Remediation

Exhibit B: PLA Inspection

Exhibit C: Quarterly Review by private Compliance Officer

Exhibit D: Quarterly Review by private Compliance Officer

A motion was made and seconded to withdraw the probation.

Jablonski/Anderson, 4-0-0

Motion carries

The following board members voted aye:

Mark Bunton, Jason Jablonski, Winnie Landis,
and Steve Anderson

The following board members objected: none

The following board members abstained: none

Kenneth Andrew Riddle, R.Ph., License No. 26026715A, Cause No. 2022 IBP 0061

Proposed Settlement Agreement

DAG: Ryan Eldridge

Respondent: Not present

Witness(es): None

Exhibit(s): None

A motion was made and seconded to accept the settlement agreement.

Jablonski/Anderson, 4-0-0

Motion carries

The following board members voted aye:

Mark Bunton, Jason Jablonski, Winnie Landis,
and Steve Anderson

The following board members objected: none

The following board members abstained: none

Nicole Dillard, Ph.T., License No. 67021337A, Cause No. 2022 IBP 0049

Default Hearing

DAG: Carah Rochester

Respondent: Not Present

Witness(es): None

Exhibit(s): Petitioner's Exhibit 2: Chronological Case Summary

A motion was made and seconded to hold the Respondent in Default.

Jablonski/Landis 4-0-0.

A motion was made and seconded to revoke the pharmacy technician license and issue a \$5 health records fee.

Anderson/Jablonski, 4-0-0
Motion carries

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

There being no further business the Board ADJOURNED at 12:43p.m.