

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

**MINUTES OF JULY 8, 2019**

Mark Smosna, R.Ph., President, called the meeting to order at 8:30 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

Members Present: Mark Smosna, R.Ph., President  
Del Fanning, R.Ph., Member  
Donna Wall, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Steven Anderson, R.Ph., Member  
Matt Balla, R.Ph., Vice President

Staff Present: Darren Covington, J.D., Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
Zaneta Nunnally, Compliance Director  
Professional Licensing Agency  
Nicole Schuster, J.D., Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Wall/Fanning, 6/0/0  
Motion carries

The following board members voted aye:  
Winnie Landis, Donna Wall, Mark Smosna, Steve Anderson, Del Fanning, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board voted to approve the June 10, 2019 minutes as written.

Fanning/Wall, 6/0/0  
Motion carries

The following board members voted aye:  
Donna Wall, Steve Anderson, Mark Smosna, Del Fanning, Winnie Landis, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

### **FULL BOARD APPEARANCES**

#### **RANDY HITCHENS, R.PH., :**

Participating Members: Donna Wall, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph.,  
Del Fanning, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Mr. Hitchens reported the following to the Board:

- They re-adopted their legal name - Indiana Pharmacists Association in April 2019
- Carol Dunham has retired after 29 years of service
- They moved from the Indy North office to working from home offices in an effort to protect their reserves and improve efficiency.
- MPJE Law review was held at Butler May 8, 2019 and 250 students attended
- NAPLEX review was also held at Butler May 9, 2019 and 225 students attended.
- IPA's Membership has grown 47% since 2015 to 1,100 members

#### 2019-2020 Legislative Priorities:

- Celebrated three (3) IPA pharmacy bills with Governor Holcomb on June 27<sup>th</sup>.
  - SB 176 Transfer of Prescriptions
  - HB 1246 Pharmacy Matters I-epinephrine, glucagon, auto-dispensing
  - HB 1248 Pharmacy Matters II – emergency refills; medical devices

#### 2019 Meetings:

- Webinar – Differentiating Role of Indiana Board of Pharmacy and Indiana Pharmacists Association – July 10, 2019; Noon – 1pm; Featuring: Darren Covington, J.D. Board Director and Veronica Vernon.
- Indiana Pharmacists 2019 Fall Conference – September 26, 2019 at Ritz Charles, Carmel
- Residency Showcase – October 18, 2019, 2-4:30pm Marion College Lilly Pavilion
- APhA Immunization Certification – October 25, 2019 – Indianapolis

#### **Genoa Healthcare, LLC – Bruce Hinshaw – 2 Remote Dispensing Facility & CSR**

##### **Apps:**

Participating Members: Donna Wall, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph.,  
Del Fanning, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Both facilities are located inside a mental health center. They will only service patients of the mental health center where the pharmacy is located.

They have remote dispensing sites in other states with zero errors occurring.

After discussion the Board moved to APPROVE both remote dispensing facility applications.

Wall/Balla, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Express Scripts remote data entry technician pilot program 6 month review:**

Participating Members: Donna Wall, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph.,  
Del Fanning, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Rich Palombo, R.Ph. and Tara Teachout both appeared regarding this matter.

They have maintained the same number of technicians since their last report. They have not had any issues or new challenges with the program.

After discussion, the Board moved to APPROVE and additional six (6) months for the Pilot Program.

Wall/Landis, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

Mr. Covington presented the Board with the proposed rule for remote data entry. After review, the Board moved to APPROVE Mr. Covington to send the draft to the Governor's office for review.

Wall/Landis, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**David Bush, Medicap Pharmacy 8190 – Update on Telepharmacy, Morristown:**

Participating Members: Donna Wall, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Mr. Bush informed the Board that they have had zero external errors, there were two (2) instances of drug confusion in the store, one (1) was caught by the Pharmacist and the second (2<sup>nd</sup>) was caught by the Technician.

They have filled approximately 532 prescriptions at this time. He indicated they have about eight (8) to ten (10) prescriptions per day. The Pharmacy is open from 9am to 6pm and is closed for thirty (30) minutes for lunch.

All patients are treated like a new patient and must talk with the Pharmacist.

The Board thanked Mr. Bush for his report.

**PROBATIONARY APPEARANCES**

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

The following made their probationary appearance:

Lucas Sweet  
Charles Gabet  
Phillip Simpson  
Steven Potts  
Ryan Manges  
Susan Adams-Hayes  
Mikhail Galperin  
Jennifer Coy

David Ringel notified Ms. Nunnally that he would not be able to attend due to a personal emergency. Ms. Nunnally will schedule him to appear next month.

Melanie Arvin – IPRP indicated she was noncompliant with a check in on July 1<sup>st</sup>. Ms. Nunnally informed the Board that Ms. Arvin appeared in April for this same issue.

Emmylou Melton – did not appear for the second time for her probationary appearance.

After discussion, the Board moved to issue an ORDER TO SHOW CAUSE.

Wall/Balla, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

Estil Caton – IPRP extended his contract for three (3) months for non-compliance with signing his meeting sheets proving he attended the meetings.

After discussion, the Board moved to issue an ORDER TO SHOW CAUSE.

Wall/Balla, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board thanked Ms. Nunnally for her report.

### **PERSONAL APPEARANCES**

The following did not appear for their scheduled personal appearance:

- **Scott Bower, R.Ph., 26017077A Reinstatement Renewal App – Continued to August**
- **Yolande Evans – Tech in Training App**
- **Benjamin Burton – Tech in Training App**

#### **Cameron Allen – NAPLEX Repeat Exam Application:**

Mr. Allen appeared before the Board and discussed his studying habits.

After discussion, the Board moved to APPROVE Mr. Allen's NAPLEX repeat exam application.

Wall/Balla, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

#### **Nicole Doty – Tech in Training App:**

Ms. Doty appeared before the Board regarding her technician in training application and was not represented by counsel.

In 2002 and 2005 she was arrested for check deception.

In 2011 she was arrested for a DUI and Battery/Cause Bodily Harm. She received two (2) year court supervised probation with community service and a fine. At this time she still has 150 hours of community service to complete. She submitted proof that she paid the fine on October 27, 2017.

Her BAC was 0.08.

After discussion, the Board moved to TABLE Ms. Doty's application and requested she obtain an addictionology evaluation.

Landis/Wall, 5/1/0, with Mr. Fanning Opposed  
Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Tyshia Moore – Tech in Training App:**

Ms. Moore appeared before the Board regarding her tech in training application and was not represented by counsel.

Ms. Moore received a speeding ticket going forty (40) miles an hour over the speed limit. She still owes \$870.00 in fines. She has set up a payment plan of \$50 a month until it has been completely paid.

After discussion, the Board moved to APPROVE Ms. Moore's tech in training application on INDEFINITE PROBATION with terms and conditions.

Wall/Fanning, 5/1/0, with Ms. Landis Opposed  
Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Daiana Mitchell – Tech in Training App:**

Ms. Mitchell appeared before the Board regarding her tech in training application and was not represented by counsel.

On April 29, 2018 Ms. Mitchell was arrested and charged with Conversion, Possession of

Marijuana and Open Alcoholic Beverage Container during operation of a motor vehicle.

She indicated she had been a consistent user of Marijuana, but has been clean for one (1) year. Her last alcoholic drink was on April 28, 2018.

She entered a guilty plea for all three counts and is on a pretrial diversion agreement until January 2020.

After discussion, the Board moved to TABLE Ms. Mitchell's application and requested she obtain an addictionology evaluation.

Wall/Landis, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Tiara Dabney – Tech in Training App:**

Ms. Dabney appeared before the Board regarding her tech in training application and was not represented by counsel.

Ms. Dabney has had several issues over the last several years:

2012 – Driving while suspended. Her license was suspended for unpaid speeding tickets and no insurance. Her license was suspended until the tickets were paid.

2014 – Driving while suspended and giving false information to the police. She gave the police someone else's name when she was stopped.

2014 – Arrested for driving without a license

2018 Arrested for Battery and interference with reporting a crime – She pled guilty to Battery and received six (6) months' probation, which ends in August 2019.

She currently has a valid driver's license.

After discussion, the Board moved to APPROVE Ms. Dabney's tech in training application on INDEFINITE PROBATION with terms and conditions.

Wall/Balla, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Arianna Couloute-Thompson – Tech in Training App:**

Ms. Couloute-Thompson appeared before the Board regarding her technician in training application and was not represented by counsel.

She was pulled over for speeding and she agreed to let the Police search her car. They found Marijuana.

She was charged with Operating under the possession and Possession of Marijuana. She entered a pre-trial diversion agreement which lasts until April 2020.

After discussion, the Board moved to TABLE Ms. Couloute-Thompson's application and requested she obtain an addictionology evaluation.

Landis/Wall, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Del Fanning, Winnie Landis, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**ADMINISTRATIVE HEARINGS**

**Tianna Cardona, Ph.T., License No. 67032776A, Cause No. 2019 IBP 0006**

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension 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.

Ms. Cardona was recently convicted.

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 the Extension of Summary Suspension for ninety (90) days.

Wall/Landis, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Steve Anderson, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none



**Gianna Graham, Ph.T., License No. 67030515A, Cause No. 2018 IBP 0042**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension 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.

Ms. Graham is currently deployed.

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 the Extension of Summary Suspension for ninety (90) days.

Fanning/Wall, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Steve Anderson, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none

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

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension 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.

Ms. Lindsey has been charged with theft and has not signed the diversion agreement at this time.

States Exhibit:

B – Case Summary

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 the Extension of Summary Suspension for ninety (90) days.

Fanning/Anderson, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Steve Anderson, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Brent Losier, R.Ph., License No. 26018627A, Cause No. 2017 IBP 0057**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Paul Schilling, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Mr. Losier has been indicted on ten (10) Felony counts. At this time a trial date has not been set.

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 the Extension of Summary Suspension for ninety (90) days.

Landis/Wall, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Steve Anderson, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Pharmedium Services, LLC, License Nos 64000801A, 64000844A, 64000845A, 64000910A, Cause Nos 2019 IBP 0009, 2019 IBP 0011, 2019 IBP 0010, 2019 IBP 0012**

Respondent appeared by counsel, Karla Parmer and Sherri Fabina-Abney regarding an Extension of Summary Suspension and Request to Surrender Licenses 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.

Pharmedium by counsel submitted a request to surrender all four (4) Non Resident licenses in Indiana.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to ACCEPT the SURRENDER of all four (4) licenses and to VACATE the SUMMARY SUSPENSION.

Wall/Landis, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Steve Anderson, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Charles Ringger, R.Ph., License No. 26012961A, Cause No. 2017 IBP 0049**

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Paul Schilling, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Mr. Ringger has been indicted on ten (10) Felony counts. At this time a trial date has not been set.

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 the Extension of Summary Suspension for ninety (90) days.

Fanning/Landis, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Steve Anderson, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Salem Apothecary, Inc., License No. 60003161A, Cause No. 2019 IBP 0028**

Respondent appeared in person by Rebecca Marshall, R.Ph., PIC, and was represented by counsel Matthew Branic and Stephanie Eckerle regarding an Extension of Summary Suspension 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 room.

Policies have now been put in place and they recently passed a new inspection on July 1<sup>st</sup>.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to VACATE the Summary Suspension Extension hearing at the State's request.

Landis/Wall, 5/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Alexandra Bilbrey, R.Ph., License No. 26022253A, Cause No. 2015 IBP 0051**

Respondent appeared in person and was represented by counsel Todd Ess regarding a Petition for Reinstatement scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Laura Iosue, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

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

The State entered a motion to continue. Respondent's counsel indicated that the Respondent does not object to a two (2) month continuance.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to CONTINUE this matter until September.

Wall/Balla, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**David Chube, II, M.D., License No. 01038347B, Cause No. 2016 UBP 0031**

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation 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.

Dr. Chube indicated to the Board that he is current with all terms of his probation order.

He is registered with INSPECT, but has not written for any controlled substances. He indicated he hasn't submitted an INSPECT report because he was not prescribing any controlled substances since he has been on probation.

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 WITHDRAWAL of PROBATION pending the receipt and approval of an INSPECT REPORT for the past three (3) years showing zero prescribing.

Anderson/Wall, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

**Andrew Farmer, R.Ph.I., License No. 45021009A, Cause No. 2017 IBP 0065**

Respondent did not appear in person and was not represented by counsel regarding a Petition to Withdraw Probation 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.

Mr. Weber indicated this was the fourth (4<sup>th</sup>) time this has been scheduled for a withdrawal hearing and the Respondent has not shown. Mr. Weber requests the Board to issue a notice of proposed dismissal.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved issue a NOTICE OF PROPOSED DISMISSAL

Fanning/Balla, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

**Jose Agusti, M.D., License No. 01061624B, Cause No. 2019 IBP 0023**

Respondent did appear in person and was represented by counsel, Karyn Price regarding a Reinstatement of Suspended CSR scheduled before the Board. The State of Indiana was represented by Paul Schilling, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

In May 2013, based upon an allegation from a patient, Dr. Agusti was charged with deviate sexual behavior and two (2) counts of sexual battery.

Dr. Agusti went to court and was found not guilty in the criminal trial verdict regarding the charge of deviate sexual behavior. At this time the two (2) sexual battery allegations are still outstanding. A status hearing will be held July 12<sup>th</sup>.

He wants to serve the elderly patients in his area as well as do hospice.

Respondent Exhibit:  
2 – Letter from Physician Choice Billing Services.

The summary suspension on his medical license was dismissed because he voluntarily surrendered his controlled substances registration.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REINSTATE Dr. Agusti's CSR on INDEFINITE PROBATION and may not lift for two (2) years with terms and conditions.

Anderson/Wall, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**Kevin Krembs, M.D., No License, Cause No. 2019 IBP 0032**

Respondent appeared in person and was not represented by counsel regarding an Initial Application for controlled substances registration scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Twelve (12) years ago Dr. Krembs issued a controlled substance prescription without doing a physical examination.

His DEA in Wisconsin was recently reinstated on an MOU which indicates he can only prescribe for schedules 3, 3N, 4 & 5 and it can't be modified for five (5) years.

He was issued a Letter of Reprimand by the Medical Licensing Board.

His Wisconsin license is active and in good standing; his Illinois license is on inactive status.

He has completed the Opioid CME's for Wisconsin.

He has been offered the Medical Director's position with Lake County Jail.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved APPROVE Dr. Krembs' CSR with only schedules 3, 3N, 4 & 5 on INDEFINITE PROBATION and may not lift for two (2) years with terms and conditions.

Anderson/Balla, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

**Maria Henderson, P.T.I.T., License No. 99088234A, Cause No. 2019 IBP 0043**

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

The Order to Show Cause was issued for failure to appear for her personal appearance in May and June of 2019, which is a violation of term 'C' in her probation order.

Ms. Henderson informed the Board that she was not able to appear in May as her Mother has a stroke and she could not find anyone to care for her while she made her appearance. In June she didn't appear as she didn't have the funds to make the trip.

Her sobriety date is 2015.

Ms. Henderson was informed that her next appearance would be at the August 2019 meeting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board found that Ms. Henderson did VIOLATE the terms of her probationary order. They moved that there would be NO FURTHER DISCIPLINE, her order will stand as it is.

Fanning/Wall, 6/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson  
The following board members voted nay: none  
The following board members abstained: none

**Nicole Nordeen, Ph.T., License No. 67026407A, Cause No. 2018 IBP 0060**

Respondent appeared in person and was not represented by counsel regarding an order to show cause 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.

The Order to Show Cause was issued for failure to present her order to her employer and return it signed, term D of her order. Failure to submit quarterly reports, term E of her order and failure to make quarterly appearance with appropriate paperwork for her urine drug screens, term H of her order.

Ms. Nordeen's license was placed on probation back in October 2018 due to an OWI with a previous conviction, a level 6 felony. She is on court probation until January 2020.

She indicated she tried to get copies of her UDS, but the courts said no, they were confidential.

She is currently employed full time at Gil Drugs and part-time with Walmart.

Respondent Exhibit:

1 – Included the following: Signed order by Walmart, letter from Iowa, letter from Gil Drugs, letter from Walmart

She indicated that she is willing to sign and RMA with IPRP so the Board will be able to review her urine drug screens.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board found that Ms. Nordeen did VIOLATE all three (3) terms of her probationary order. They moved to MODIFY her PROBATION ORDER to include an IPRP contract with terms and conditions.

Wall/Anderson, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**Heather Williams, Ph.T., License No. 67031532A, Cause No. 2019 IBP 0038**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Ms. Williams admitted to an Investigator that she diverted medications after a customer complained that she has pills missing.

States Exhibit:

A – Chronological Case Summary

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board placed the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Anderson/Balla, 6/0/0



Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**Dijon Coleman, Ph.T., License No. 67031695A, Cause No. 2019 IBP 0039**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included SUMMARY SUSPENSION for ninety (90) days.

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

Balla/Anderson, 6/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**Michael McNeff, R.Ph., License No. 26014558A, Cause No. 2019 IBP 0040**

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension 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.

Robert Mangold, CVS District Asset Protection Leader was sworn in as a witness for the State.

The Respondent was seen on camera consuming cough syrup with Codeine while at work.

Mr. Mangold contacted the Respondent by telephone and asked him about it. Mr. McNeff confirmed that he had taken it. He stated that he actually took a dose on two different days due to his bad cough. He had previously had a prescription for the same medicine but hadn't taken the time to get a new one.

He was terminated for diversion.

Mr. Mangold indicated that no errors occurred the two days Mr. McNeff took the medication.

States Exhibit:

A – Email from CVS

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

Wall/Anderson, 6/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Donna Wall, Del Fanning, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

### **DISCUSSION**

#### **INSPECT:**

Participating Members: Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

#### **Gabapentin:**

- Effective 7/1/19 anything over a 72 hour supply must be reported to INSPECT.
- Hospitals has seen a lot of diversion of Gabapentin and most treat it like a controlled substance and have it locked up
- Ohio and Kentucky have both scheduled Gabapentin

They are doing a massive cleanup - they sent notices to all controlled substances registration (CSR) holders that do not have an INSPECT account.

Ms. Slusser met with Apriss Health in Kentucky on July 11<sup>th</sup> and discussed several issues.

Ms. Slusser is going to NABP Headquarters for the Steering Committee – Florida wants to connect with us but they do not require the DEA number. The meeting is July 16 – 17.

The Board thanked Ms. Slusser for her report.

#### **Zaneta Nunnally – Compliance Director – Report:**

Participating Members: Winnie Landis, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

Ms. Nunnally reported the following:

- 98 inspections were performed for the month of May
- 64 Pharmacies
- 08 Home Medical Equipment Facilities
- 26 Controlled Substance Registrations
- 07 deficiencies were found
- 04 consumer complaints filed
- 01 Pharmacy robberies

The Board thanked Ms. Nunnally for her report.

**Emergency Drug Scheduling of Synthetic Drugs:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

The Board considered an emergency rule that temporarily amends 856 IAC 2-2-2 to add synthetic drug compounds to Schedule I.

DEA has scheduled this drug.

The Board moved to ADOPT the emergency Rule adding the following to the Synthetic Drug(s) list:

- a. Zulresso (brexanolone) – Schedule IV

Anderson/Fanning, 6/0/0  
Motion carries

The following board members voted aye:

Donna Wall, Del Fanning, Winnie Landis, Mark Smosna, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**MPJE item review:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

None of the members will be able to go to Chicago to do the MPJE item review. Matt will spearhead this and will divide out the questions to each member to review.

**Continuing education audit (2018 pharmacist) update:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

Ms. Edens reported that the audit was complete.

The Board thanked Ms. Edens for her report.

**Revised Pseudoephedrine Rule, LSA 17-283:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

Mr. Covington informed the Board that the Pseudoephedrine rule must be redone.

After discussion, the Board moved to APPROVE the revised draft rule.

Balla/Fanning, 6/0/0  
Motion carries

The following board members voted aye:

Donna Wall, Del Fanning, Winnie Landis, Mark Smosna, Matt Balla, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**SEA 176 (2019) and review of current e-prescribing rules (856 IAC 1-29 & 856 IAC 1-40:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

Mr. Covington requested that the Board review the current e-prescribing rule it to see if they need updated.

**APhA-ASP National Policy Standing Committee for 2019-2020:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

Laura Sosinski, PharmD is on the Standing Committee and one of her responsibilities is to record a podcast/interview with someone and she was hoping one of the Board Members would be available for a discussion regarding their adopted resolution 2019.5 which is titled "Creating Safe Work and Learning Environments for Student Pharmacists, Pharmacists and Pharmacy Technicians.

Mr. Smosna requested anyone interested to let him know.

**License Surrender – Darren Covington, Board Director:**

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph.,

Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph.

Mr. Covington informed the Board that the following physician(s) would like to surrender their controlled substance registration as they do not use them.

William Ritchie, M.D. License #01015512B

After discussion, the Board moved to ACCEPT their request(s) to surrender their CSR(s).

Fanning/Balla, 6/0/0  
Motion carries

The following board members voted aye:

Mark Smosna, Matt Balla, Winnie Landis, Del Fanning, Donna Wall, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

### **REVIEW OF APPLICATIONS**

Participating Members: Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

#### **Individual Application Review:**

The Board reviewed and requested a PERSONAL APPEARANCE on the following initial application(s):

- Abdulla Homamed – Tech in Training App

Balla/Fanning, 6/0/0  
Motion carries

The following board members voted aye:

Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

#### **Controlled Substance Registrations, HME & EDI Applications:**

The Board reviewed and APPROVED the following CSR, HME & EDI application(s):

- Petar Dragojevic Jr – K9 CSR App – Adding Schedules 2,2N
- Purdue/Luis Solorio – Researcher CSR App – Schedule 2N
- Laporte Juvenile Correctional Facility – Correctional Facility CSR App – Adding Schedules 2,2N
- MAKOR K9 of Indiana/Jason Kerr – K9 Training CSR App – Schedules 1,2
- Martinsville Indiana Police Department/Dustin Tear – K9 Training CSR App –

Schedules 1,2N

- Indiana Biosciences Research Institute/Vidadi Yusibov, Ph.D. – Researcher CSR App – Schedules 2,2N
- Indiana University/Ankit Desai, M.D. – Researcher CSR App – Schedule 3
- Indiana University School of Medicine Animal Resources Center/Yaoying Ma, M.D., Ph.D. – Researcher CSR App – Schedules 2,2N,3,3N
- Indiana University School of Medicine/Steven Miller, Ph.D. – Researcher CSR App – Schedule 3N
- Jackson County Sheriff's Department/LeaAnn Wheeler – Correctional Facility CSR App – Schedule 2N,4
- Indiana University School of Medicine/Meijing Wang – 61101233B – Researcher CSR Change of Location App – Schedules 3,3N
- 

Anderson/Fanning, 5/0/0  
Motion carried

The following board members voted aye:

Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

The Board reviewed and requested a PERSONAL APPEARANCE on the following CSR, HME & EDI application(s):

- Medical Scanning Consultants PA d/b/a Center for Diagnostic Imaging – Outpatient CSR App – Schedules 2,2N,3,3N,4,5

Anderson/Fanning, 5/0/0  
Motion carried

The following board members voted aye:

Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

**Facility Applications:**

The Board reviewed and APPROVED the following compounding facility application(s):

- Amber Enterprises d/b/a Amber Pharmacy
- Orsini Pharmaceutical Services
- OSRX, Inc
- Revive Rx Pharmacy

Anderson/Landis, 6/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board reviewed and TABLED the following compounding facility application(s) for additional documentation:

- Norton Pharmacies, PLLC d/b/a Norton Pharmacy
- Suthars Ind d/b/a Kare Pharmacy

Anderson/Landis, 6/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

The Board reviewed and requested a PERSONAL APPEARANCE on the following compounding facility application(s):

- Pharmcore Inc d/b/a Hallandale Pharmacy
- KEBD Enterprises d/b/a Belmar Pharmacy

Anderson/Landis, 6/0/0  
Motion carries

The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Continuing Education Applications:**

The Board reviewed and APPROVED the following continuing education programs:

- Don Newman – Morton Plant Hospital – Grand Rounds/Update on Lung Cancer Diagnosis and Treatment – 1 hour
- Don Newman – Morton Plant Hospital – Grand Rounds/Demolishing the Demand for Human Trafficking – 1 hour
- Julia Dickman – Parkview Regional Medical Center – Principles of Pain Management - .75 hour
- Julia Dickman – Parkview Regional Medical Center – Corticosteroid Use in Subarachnoid Hemorrhage – 1 hour
- Julia Dickman – Parkview Regional Medical Center – Acute Myeloid Leukemia - 5

hour

- Corissa Piatka – Parkview Regional Medical Center – Corticosteroids for Post-Cardiac Arrest – 1 hour
- Brandon Euen – Parkview Regional Medical Center – Apixaban use in end-stage Renal Disease Patients on Hemodialysis – 1 hour
- Corissa Piatka – Parkview Regional Medical Center – A Tale of Two Toxins: Pharmacological Management for Calcium Channel Blocker and Beta Blocker Overdose – 1 hour
- Corissa Piatka – Parkview Regional Medical Center – Epinephrine for Out-of-Hospital Cardiac Arrest – 1 hour
- Joan Hand – Ft. Wayne Medical Educational Program – FWMEP Resident Didactics – 2.5 hours
- Joan Hand – Ft. Wayne Medical Educational Program – FWMEP Resident Didactics – 2 hours
- Joan Hand – Ft. Wayne Medical Educational Program – FWMEP Resident Didactics - .75 hour
- Joan Hand – Ft. Wayne Medical Educational Program – FWMEP Resident Didactics – 1 hour
- Don Newman – Morton Plant Hospital – Grand Rounds/Medical Marijuana – 1 hour
- Katharine Lundy – Parkview Health – 2018 AHA/ACC Cholesterol Guidelines Updates – 1 hour
- Katharine Lundy – Parkview Health – Aspirin Desensitization – 1 hour
- Katharine Lundy – Parkview Health – Aspirin for Primary Prevention of Cardiovascular Disease – 1 hour
- Janice Fiori – Center Indiana Association of Pharmacists – Take My Breath Away: Application of 2019 GOLD Guidelines – 1.5 hours

Fanning/Wall, 6/0/0  
Motion carried

The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Pharmacy Technician Training Programs:**

The Board reviewed and APPROVED the following Technician Training Program(s):

- KnippeRx– initial app
- Pharmaneek Pharmacy – initial app
- Pharmaseer by National Healthcareer Association – initial app

Landis/Fanning, 6/0/0  
Motion carried



The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

**Third Party Logistics Applications:**

The Board reviewed and APPROVED the following 3PL application(s):

- Owens & Minor Distribution – Ontario CA
- Exel Inc d/b/a DHL Supply Chain (USA)
- Anda Pharmaceuticals, Inc – with proof of VAWD
- FedEx Supply Chain

Wall/Fanning, 6/0/0  
Motion carried

The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

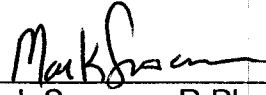
The Board reviewed and TABLED the following 3PL application(s) for additional documentation:

- Owens & Minor Distribution – Olive Branch MS
- Owens & Minor Distribution – Ashland VA

Wall/Fanning, 6/0/0  
Motion carried

The following board members voted aye:  
Del Fanning, Winnie Landis, Mark Smosna, Donna Wall, Steve Anderson, Matt Balla  
The following board members voted nay: none  
The following board members abstained: none

There being no further business the Board adjourned at 4:35 p.m.



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Mark Smosna, R.Ph., President

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Matt Balla, R.Ph., Vice President