

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

MINUTES OF AUGUST 12, 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 (left 5:30p.m.)
Steven Anderson, R.Ph., Member (in at 8:50a.m.)
Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Member
Matt Balla, R.Ph., Vice President

Members Absent: Del Fanning, R.Ph., Member

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.

Balla/Wall, 4/0/0
Motion carries

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

The Board voted to approve the July 8, 2019 minutes as written.

Balla/Wall, 4/0/0
Motion carries

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

FULL BOARD APPEARANCES

Darren Covington, J.D., Board Director – online applications:

Participating Members: Donna Wall, R.Ph., Mark Smosna, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph.

Mr. Covington informed the Board that Technicians will be the first application for pharmacy that will be available online. The applicant will be able to complete and submit the application online as well as pay online. Documents required will be able to be uploaded. This will go into effect the middle of August.

With the online applications there were minor changes to the questions on the application to which the Board reviewed and approved.

Mr. Covington informed the Board that once the online applications for technician are in process he will send an email to all the Board approved technician training programs letting them know.

Michael Kaufmann, M.D., State EMS Director – ambulance CSR rule:

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

Kraig Kenney, J.D., Deputy General Counsel for DHS and Dr. Garvey both appeared to discuss the ambulance CSR rule.

Several state's ambulance rules were reviewed. The New York model would probably work, but we wouldn't tie the ambulance CSR to the Hospital. North Dakota is closest to what everyone is suggesting.

EMR (emergency medical responders) includes EMT's and Paramedics. Only the paramedics will have access to and handle the controlled substances.

ALA (advanced life support) – they must have a relationship with a hospital.

The difference between an EMT and Paramedic is the scope of practice and the education. Paramedic's complete 15-18 months of college training and EMT's have 120 hours of training.

Donna Wall and Matt Balla volunteered to assist with the rules.

Barry Hart, Owner – Young at Heart Distribution – Electronic Emergency Drug Kit from Phoenix LTC.:

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

Michelle Lanning and Gus Pipenharper both appeared regarding this matter.

Mr. Heart is requesting the Board to approve an electronic version of first dose that would be used in place of the current tackle box emergency drug kits.

Mr. Pipenharper demonstrated to the Board how the machine works. It is Statsafe by Phoenix LTC.

There are different sizes to fit the need of the long term care facility. The table top can hold one hundred (100) different medications.

The nurses will have their own login and password. If a nurse would pull the wrong medication when it is scanned the machine would stop the process due to the wrong medication.

The machine has the ability to photograph the nurse or person signing into the machine, it also time stamps the sign in.

The pharmacy gets the information in real time and would know immediately if there was an issue. Also an automatic email would be sent to the DON letting her know there is an issue.

The nurse would also restock the machine.

After discussion, the Board moved to APPROVE the Statesafe machine to be used in place of tackle box emergency drug kits.

Anderson/Balla, 5/0/0
Motion carries

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

Pharmcore, Inc. d/b/a Hallandale Pharmacy – 64002463A – Non Resident Change of Location:

Pharmcore continued to the August meeting.

Medical Scanning Consultant PA d/b/a Center for Diagnostic Imaging – CSR Other App- Outpatient Radiology Facility:

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

Dawn Whister appeared regarding this matter.

They are an outpatient imaging center that has to sedate patients that are claustrophobic, others are in severe pain and must be sedated in order for them to obtain the imaging. Their referring physician normally orders the medication.

Brad Hosteter, M.D., is the Medical Director and he oversees eight (8) of their facilities.

Inventory is completed nightly by two (2) staff members.

After discussion, the Board moved to APPROVE the CSR application.

Anderson/Wall, 5/0/0
Motion carries

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

Genoa Healthcare, LLC – Bruce Hinshaw –Remote Dispensing Facility & CSR App:

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

The facility is located inside a combination behavioral health care and primary care clinic (Mamman Clinic).

The pharmacy will be located in the waiting room lobby and will only service the patients of the clinic.

The approximate doing thirty to forty-five (30-45) scripts per day.

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

WallBalla, 5/0/0
Motion carries

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

The following board members abstained: none

Indiana University Health Joe and Shelly Schwarz Cancer Center – Remote Location

App:

Participating Members: Mark Smosna, R.Ph., Winnie Landis, R.Ph., Matt Balla, R.Ph., Steve Anderson, R.Ph.

Let the record reflect that Donna Wall, R.Ph., recused herself from this matter and left the room.

Janis Vadas, R.Ph., Director of Allied Health, Chris Fausel and Rachel Herdegen, R.Ph. all appeared regarding this matter.

The planned opening for the remote location is January 6, 2020. Indiana University North will be the supervising hospital.

After discussion, the Board moved to APPROVE the remote location application.

Balla/Landis, 4/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Winnie Landis, Steve Anderson, Matt Balla

The following board members voted nay: none

The following board members abstained: none

Tracy Traut, MS, IPRP Program Director:

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

Ms. Traut reported to the Board that IPRP served twenty-eight (28) participants in the last month of which twenty-two (22) were Pharmacists, six (6) were Technicians and two (2) were Interns. There were five (5) intakes for Technicians, one (1) for an Intern and no intakes for Pharmacists. One (1) Technician was discharged for non-compliance with intake. Three (3) Technicians will be placed in a one (1) year RMA and one (1) Technician will be placed in a five (5) year RMA. The Intern did not meet criteria for monitoring.

Tracy discussed Technicians with the Board as they are not covered under the contract with the Board. IPRP does the evaluation at no charge. Should it be deemed necessary that they sign a contract, the cost is at a reduced fee of \$50.00 per month plus the costs of drug screens.

Staff requested that applicants that the Board refers to IPRP to obtain an evaluation not be requested to sign a contract unless the Board requires it after a personal appearance

with the Board.
The Board thanked Ms. Traut for her report.

PROBATIONARY APPEARANCES

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

The following made their probationary appearance:

David Ringel
Jennifer Coy
Troy Martin
Melanie Arvin
Lucas Sweet

Emmylou Melton – did not meet with staff. She appeared late, dropped off some documents and then left. She is counted as a no-show.

Maria Henderson – did not appear again. She appeared last month on an order to show cause due to not appearing.

After discussion, the Board indicated to reschedule both Ms. Melton and Ms. Henderson again next month.

The Board thanked Ms. Nunnally for her report.

PERSONAL APPEARANCES

The following did not appear for their scheduled personal appearance:

- **Eric Horton, Intern Permit App – continued to September**
- **Ngoc Nguyen – NAPLEX Repeat Exam App – continued**
- **Johnnie Allen – Tech in Training App – continued**

Mohamed Elshazly – NAPLEX Repeat Exam Application:

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

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

Wall/Landis, 5/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none
The following board members abstained: none

Chase Singleton – NAPLEX Repeat Exam Application:

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

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

Landis/Wall, 5/0/0
Motion carries

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

Richard Macy – Technician in Training App:

Mr. Macy appeared before the Board regarding his technician in training application and was not represented by counsel.

Mr. Macy is a store manager for CVS and they are requiring all store managers to obtain their technician license.

Mr. Macy informed the Board that he is about half way through a diversion program which he entered following a domestic battery charge.

He and his wife are currently obtaining a divorce.

CVS management and the pharmacists he works with are aware of his issues. He has not had any problems at work.

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

Wall/Balla, 5/0/0
Motion carries

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

Abdulla Mohamed – Technician in Training App:

Mr. Mohamed appeared before the Board regarding his technician in training application and was not represented by counsel.

In February 2014 he was pulled over for speeding. The Police searched his car and found a substance. It was Khat – plant tea leafs. He was not arrested at the time.

The Police sent the substance out for testing and once they received the results back an arrest warrant was issued for him for possession of illegal substances. This was late 2014.

He completed the pretrial diversion program in 2017.

After discussion, the Board moved to APPROVE Mr. Mohamed's technician in training application.

Wall/Landis, 5/0/0
Motion carries

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

Benjamin Burton – Technician in Training App:

Mr. Burton appeared before the Board regarding his technician in training application and was not represented by counsel.

Mr. Burton informed the Board that he is currently on a diversion program until January 2020.

He was caught by the Police smoking Marijuana in his car. He stated he was not driving at the time. He was arrested and placed on a diversion program.

He stopped smoking Marijuana on the day he was arrested and he does not drink alcohol.

After discussion, the Board moved to APPROVE Mr. Burton's technician in training application on INDEFINITE PROBATION with terms and conditions.

Wall/Balla, 5/0/0
Motion carries

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

Yolande Evans – Technician in Training App:

Ms. Evans did not appear before the Board regarding her technician in training application and was not represented by counsel.

This is the second (2nd) no show for Ms. Evans.

After discussion, the Board moved to DENY Ms. Evans' technician in training application.

Wall/Balla , 5/0/0
Motion carries

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

Diana Handley – Technician in Training App:

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

Ms. Handley is also a nurse. She informed the Board that back in 2015 her Nursing license was placed on indefinite suspension by the Nursing Board. She has just recently requested a hearing for reinstatement.

She signed a contract with IPRP in July 2019 for one (1) year.

She informed the Board that she has not drank alcohol for several years now.

After discussion, the Board moved to TABLE her application until after her appearance with the Nursing Board.

Landis/Balla, 5/0/0
Motion carries

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

Casimir Lacour – Technician App:

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

She was having a domestic altercation and the neighbor called the Police. She was charged with trespassing/battery. The courts considered it a domestic altercation.

She entered a deferral program and is under court supervision until December 2019.

After discussion, the Board moved to APPROVE Ms. Lacour's technician application on INDEFINITE PROBATION with terms and conditions.

Wall/Landis, 5/0/0
Motion carries

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

Caleb Hawes – 67027013A – Technician License Renewal:

Mr. Hawes appeared before the Board regarding his technician license renewal and was not represented by counsel.

In 2017 he received an OWI in Michigan. His BAC was .12

He has informed the Michigan Board about the incident. His license is on active status in Michigan. They have not taken any action.

He was on court probation for six (6) months which is now completed.

He last used Marijuana two (2) years ago.

After discussion, the Board moved to APPROVE Mr. Hawes' technician license renewal.

Wall/Landis, 5/0/0
Motion carries

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

Nicole Doty – Technician 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.

Tracy Traut, MS, IPRP Director informed the Board that Ms. Doty has been evaluated and has signed a one (1) year RMA.

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

Wall/Landis, 5/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

Patricia Macias, Ph.T., License No. 67010608A, Cause No. 2018 IBP 0037

Respondent did not appear in person and was not represented by counsel regarding a Proposed Settlement Agreement 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.

A settlement agreement between the Attorney General's Office and the Respondent was presented to the Board. The settlement agreement included REVOCATION of the Respondent's license.

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.

Wall/Anderson, 5/0/0
Motion carries

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

Emily Sullivan, Ph.T., License No. 67032856A, Cause No. 2019 IBP 0034

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.

Mr. Eldridge reminded the Board of the evidence submitted at the June 20, 2019 Board meeting.

The June 10, 2019 minutes reflect the following:

"Dann Cooper, Loss Prevention Officer with CVS was sworn in as a witness for the State.

Mr. Cooper testified that Ms. Sullivan stole eight hundred (800) tablets from CVS while in their employ. She indicated to him that she was addicted and she was selling some of it. She was taking Alprazolam 1mg & 2mg and Clozapam 2mg.

She had been diverting medications from three (3) different CVS's stores since July 2018 as she was a floater technician.

She was terminated May 22, 2019."

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

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Ryan Manges, R.Ph., License No. 26024224A, Cause No. 2014 IBP 0082

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 Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Tracy Traut, MS, IPRP Program Director was sworn in as a witness for the Respondent.

Ms. Traut testified that Mr. Manges has successfully completed his IPRP contract. He was one-hundred (100%) percent compliant.

Mr. Manges informed the Board that his sobriety date is August 5, 2014. He has a sponsor that he talks with five (5) to seven (7) times per week. He attends AA meetings three (3) to four (4) times per week.

He has maintained his pharmacy continuing education as he wants to get back into pharmacy.

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 WITHDRAW of PROBATION on Mr. Manges' license.

Balla/Anderson, 5/0/0
Motion carries

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

Roger Piatek, M.D., License No. 01036946C, Cause No. 2016 IBP 0053

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

Mr. Piatek has requested a continuance as he needs more time to prepare for his hearing.

After discussion, the Board moved to APPROVE the Respondent's request for a CONTINUANCE.

Wall/Balla, 5/0/0
Motion carries

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

Adam Wischmeier, R.Ph., License No. 26021792A, Cause No. 2018 IBP 0049

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 Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Let the record reflect that Donna Wall, R.Ph., recused herself from this matter and left the room.

Mr. Wischmeier indicated he has now completed his court probation and would like to have the probation lifted from his license.

He works for Riverview Hospital and has not had any discipline matters at work.

Ms. Oliver indicated that the State does not object to the withdrawal of the 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 the WITHDRAW of PROBATION on Mr. Wischmeier' license.

Landis/Balla, 5/0/0
Motion carries

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

Lauren Colip, R.Ph., License No. 26025664A, Cause No. 2019 IBP 0017 and Katherine Morrow, R.Ph., License No. 26026634A, Cause No. 2019 IBP 0016

Both Respondents appeared in person and were represented by counsel, Mike Grubbs, J.D. regarding a Joint Final Hearing 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.

Dana McClanahan, former technician was sworn in as a witness for the State.

The State indicated that both Ms. Colip and Ms Morrow failed to log out of their computers while acting as the PIC which allowed Ms. McClanahan to divert medications from the pharmacy.

Ms. McClanahan testified that she would use the computer that was still logged in by the PIC to divert the medications. She was giving it to another person who would then sell the medications.

Ms. McClanahan diverted hundreds of Alprazolam 2mg tables, Suboxone 8-2mg film and several bottles of Promethazine/Codeine 6.25/10mg syrup.

Ms. Colip was PIC at this WalMart store from November 2015 to September 2017 when she went on maternity leave.

Ms. Morrow was PIC during Ms. Colip's maternity leave. She did not have any formal training as a PIC but did have the opportunity to follow Ms. Colip prior to her going on leave.

Ms. Colip testified that she did not log out of her computer when she stepped over to do a counseling or went to the drive up window to assist. She indicated that if she logged out it would stop all functions in the pharmacy. She indicated she didn't know she could simply lock the computer by hitting control K.

Ms. Morrow testified that she too did not log out of the computer when she stepped over to do counseling or went to the drive up window to assist. She also indicated that all

functions would stop in the pharmacy if she logged out and she too did not know she could simply lock the computer by hitting control K.

Respondents Exhibits:

- 1 – Complete investigation report
- 2 – CS inventory
- 3 – Newsletter regarding control K
- 4 – Operations email regarding control K
- 5 – ConnexUs Release report
- 6 – emails from Andrea Sappenfield, Molly Anderson, Waleed Aziz and Ian Ray

States Exhibits:

- B – Ms. Colip's response to the AG's Office
- C – WalMart policy on logging out
- G – layout of the pharmacy

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 find the following:

Ms. Colip: Count 1 – No Violation
Anderson/Balla, 5/0/0
Motion carries

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

Ms. Colip: Count 2 – No Violation
Balla/Wall, 5/0/0
Motion carries

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

Ms. Morrow: Count 1 and Count 2 – No Violation
Balla/Wall, 5/0/0
Motion carries

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

The following board members abstained: none

Paul Elmer, R.Ph., License No. 26031086A, Cause No. 2017 IBP 0041

Respondent did not appear in person and was represented by counsel David McNamer, J.D. regarding a Final Hearing and Respondent's Motion to Dismiss 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.

The motion to dismiss was presented to the Board by Mr. McNamer and responded to by Mr. Weber.

After discussion, the Board moved to DENY the Motion to Dismiss.

Landis/Wall, 5/0/0
Motion carries

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

Mr. Elmer was found guilty by a jury trial regarding ten (10) crimes in the original indictment. They are as follows:

- Count One: Conspiracy
- Count Three: Introduction of Adulterated Drugs Into Interstate Commerce
- Count Four: Introduction of Adulterated Drugs Into Interstate Commerce
- Count Five: Introduction of Adulterated Drugs Into Interstate Commerce
- Count Six: Adulterating Drugs While Holding for Sale after Shipment in Interstate Commerce
- Count Seven: Adulterating Drugs While Holding for Sale after Shipment in Interstate Commerce
- Count Eight: Adulterating Drugs While Holding for Sale after Shipment in Interstate Commerce
- Count Nine: Adulterating Drugs While Holding for Sale after Shipment in Interstate Commerce
- Count Ten: Adulterating Drugs While Holding for Sale after Shipment in Interstate Commerce
- Count Eleven: Adulterating Drugs While Holding for Sale after Shipment in Interstate Commerce

At this time Mr. Elmer has not been sentenced.

States Exhibits:

- 1 – Indictment
- 2 – Superseding Indictment
- 3 – Jury verdict

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to find the Respondent in Violation of Count 1.

Wall/Landis, 5/0/0
Motion carries

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

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

Wall/Landis, 5/0/0
Motion carries

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

Jared Rice, P.T.I.T, License No. 99078051A, Cause No. 2019 IBP 0021

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

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included SURRENDER of LICENSE with conditions.

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.

Wall/Landis, 4/0/0
Motion carries

The following board members voted aye:

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

Estil Caton, R.Ph., License No. 26028125A, Cause No. 2017 IBP 0005

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.

Tracy Traut, MS, IPRP Program Director was sworn in as a witness for the State.

In May 2017 Mr. Caton's license was placed on suspension by the Board. He then entered into an IPRP contract and the Board reinstated his license on indefinite probation.

He informed the Board his sobriety date is December 4, 2016. He works at a factory in Spencer Indiana through a temp agency. He hasn't been able to secure a job as a pharmacist since his license is on probation. He has never practiced as a pharmacist.

On November 17, 2018, he helped a friend load a deer that the friend shot into a truck. It was not deer season and he was charged with a Criminal Misdemeanor of illegal taking of a wild animal. The courts placed him on a six (6) month diversion program. He did not inform the Board.

Ms. Traut testified that Mr. Caton's meeting sheets from last month were not signed. He has also had two (2) abnormal UDI's, he did the path test and it did come back normal.

Mr. Caton indicated his family is very supportive of him.

States Exhibit:
A – Court documents

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board found the Respondent did violate terms F and H of his probationary order.

Wall/Landis, 4/0/0
Motion carries

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

After having considered the evidence presented and taking official, judicial notice of the

pleadings, evidence and orders in this matter the Board MODIFIED the TERMS and CONTIDITONS of the Respondent's Probationary Order as follows:

Change all references of PRN to IPRP

Term D – Delete Purdue University College of Pharmacy

Term E – Delete Purdue University College of Pharmacy

Term F – Board will leave it up to IPRP on how many meetings must be in person

Term K – Delete

And add the following terms:

- Four (4) hours of community service per month
- One and One-half (1 ½) CE's per month

Keep all other terms the same.

Wall/Landis, 4/0/0

Motion carries

The following board members voted aye:

Steve Anderson, Winnie Landis, Donna Wall, Matt Balla

The following board members voted nay: none

The following board members abstained: none

Ryan Downey, Ph.T., License No. 67022983A, Cause No. 2018 IBP 0044

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.

Tracy Traut, MS, IPRP Program Director was sworn in as a witness for the State.

Mr. Downey's license was placed on probation in 2012, probation was then withdrawn in 2013. In 2018 the Board placed his license back on probation.

Tracy Traut testified that a contract was sent to Mr. Downey but it was never returned. In February 2019 Dr. Harman discharged him for not returning the RMA.

In July 2019 he appeared for another in-take. She indicated that based on his relapses he needs a five (5) year contract and to go to an IOP. Ms. Graham at IPRP did the in-take and she also had concerns regarding his disheveled appearance.

May 2019 he reported drinking as his wife was out of town, but he indicated his sobriety date was in 2018. His wife was gone for nine (9) days and he stated he drank every day that she was gone.

He is working at Walgreens in Chicago. His Illinois license is on active status. He stated he has not kept the Board informed of his employer or hours worked.

He also indicated that he was recently diagnosed as Bi-Polar and he admitted he was probably an alcoholic.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board found the Respondent did violate terms A, B and C of his probationary order.

Anderson/Balla, 4/0/0
Motion carries

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

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board MODIFIED the TERMS and CONTIDITONS of the Respondent's Probationary Order as follows:

- May not work in Indiana until he is considered safe to practice by IPRP
- Sign an RMA with IPRP
- Copy of the order must presented to and signed by any employer in any state
- Must continue with Psychiatrist, Stacy Parks and Therapist Robert Callas. The Board requests an initial report by both to be submitted by the end of September and then quarterly thereafter.
- All other terms remain the same

Anderson/Balla, 4/0/0
Motion carries

The following board members voted aye:
Steve Anderson, Winnie Landis, Donna Wall, 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 a Default Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

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

Wall/Balla, 4/0/0
Motion carries

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

Ms. Graham admitted to diverting the following from her employer CVS: Tramadol, Amphetamine salts, Oxycodone and Hydrocodone for self-use.

She has joined the Navy in hopes to better herself. She will be out of the country for at least the next year.

States Exhibits:

A- Full employment file

A1 – relevant documents from employment file

B – Ms. Graham's written statement

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

Anderson/Wall, 4/0/0
Motion carries

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

Michael McRoy, Ph.T., License No. 67021501A, Cause No. 2019 IBP 0024

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 Ryan Eldridge, 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 orders in this matter the Board moved to hold the Respondent's license in DEFAULT.

Anderson/Wall, 4/0/0
Motion carries

The following board members voted aye:

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

Mr. McRoy admitted in writing that he diverted C2 narcotics from his employer AlixaRx.

He was also found guilty by the Hancock Superior Court II of leaving the scene of an accident, a class B Misdemeanor. He was placed on probation for three hundred sixty-five (365) days.

States Exhibits:

- A – Complete employee file
- A1 – Relevant documents from employee file
- B – Court documents
- C – email response from Respondent
- D – IPLA file

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

Anderson/Wall, 4/0/0
Motion carries

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

Kara Korem, Ph.T., License No. 67019038A, Cause No. 2019 IBP 0050

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 Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting Services.

Ms. Korem admitted to Bob Kelley, Investigator for Loss Prevention at Jewel-Osco to diverting the following medications:

- 21 – Acetaminophen-Codeine #4 tablet – 300mg-60-mg
- 66 – Phentermine 37.5 mg tablet
- 9 – Phentermine 37.5 capsule

She was terminated from Osco Drugs.

States Exhibits:

- A – Complete employment record
- A1 – Relevant employment documents

B – Her written response

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

Anderson/Wall, 4/0/0
Motion carries

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

Kelly Rose, Ph.T., License No. 67025524A, Cause No. 2019 IBP 0049

Respondent appeared in person and was not represented by counsel regarding a 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. Rose reported to work at Beacon Health System appearing to be under the influence of alcohol or non-prescribed narcotics or other controlled substances.

In a test, the hospital confirmed she was under the influence of alcohol. The test for Ethanol came back in the critical range at 330mg/dl. The ranges are as follows:

20-100 mg/dl – May exhibit slight alcoholic influence
100-200 mg/dl – Incoordination, decreased response to stimuli
200-300 mg/dl – Staggering gait; slurred speech, delirium
250-400 mg/dl – Severe incoordination; unconsciousness
350-500 mg/dl – May be comatose

Ms. Rose informed the Board that she grabbed a bottle of water out of her refrigerator and put a crystal light pack in it and drank the entire bottle on the way to work. She said it must have been one of the Bottles that was filled half-way with vodka that was used the night before at a bridal shower. She said she didn't know it contained alcohol and didn't taste or smell the vodka.

She indicated that she hasn't consumed alcohol since 2014 at which time she have multiple issues including alcohol. She said she did recovery work for herself, but didn't keep track of it. She didn't know her sobriety date. She has had three (3) convictions involving alcohol in the past.

States Exhibits:

A – Complete employee file
A1 – Relevant documents from employee file
B – Email response from Ms. Rose

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

Landis/Anderson, 4/0/0
Motion carries

The following board members voted aye:
Steve Anderson, Winnie Landis, Donna Wall, Matt Balla
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.

Gateway solution patient audit – in July 2019 1,150,000,000. Gateway passed the Aware portal

Ms. Slusser attended an NABP meeting regarding interstate data sharing discussions. Twelve (12) states were represented.

We will not be renewing the BJA grant which has ended.

They have updated the password information so that it must be entered twice to make sure they have spelled it correctly the first time.

MPH/SBH – toxicology death information has been turned over to MPH and they want to compare it to INSPECT data. Compare the drugs listed on the overdose deaths to what's on the INSPECT report. It is all de-identified information and only on the individual that died from an overdose. An IRB is not needed in this instance.

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

Balla/Wall, 5/0/0
Motion carries

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

The Board thanked Ms. Slusser for her report.

Zaneta Nunnally – Compliance Director – Report:

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

Ms. Nunnally reported the following:

- 100 inspections were performed for the month of July
- 51 Pharmacies
- 07 Home Medical Equipment Facilities
- 42 Controlled Substance Registrations
- 19 deficiencies were found
- 02 consumer complaints filed
- 09 Pharmacy robberies total for the year

The Board thanked Ms. Nunnally for her report.

Statewide Standing Order for Tobacco Cessation Products – Mark Smosna:

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

Mark indicated that he has received several questions regarding this and wants to make sure everyone is aware of it.

Darren indicated that it will be posted on the Board's website.

Prescription transfer rules:

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

It was brought to the attention of a board member that a Pharmacist at CVS stated that they could not transfer controlled substance prescriptions. They indicated they were aware of the law permitting it, but were advised by CVS corporate not to transfer.

The Board requested Mr. Covington to contact Mark Bunton with CVS to see what the issue is.

Adoption of emergency rule regarding “convictions of concern”:

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

After discussion, the Board moved to ADOPT the Emergency Rule regarding “convictions of concern”.

Balla/Wall, 5/0/0
Motion carries

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

Ambulance CSR's:

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

The Board continued their earlier discussion regarding ambulance controlled substances registration.

Darren will put together a draft for review at the September meeting.

Remote data entry by technicians rules update:

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

Darren informed the Board that he received initial approval from the Governor's office to move forward with the rules.

The next step will be the Moratorium exception request.

Region IV NABP/AACP District Meeting – Mark Smosna:

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

Mark is on the planning committee and asked if any of the board members would be interested in participating in the panel discussion on October 17, 2019.

Donna Wall volunteered to participate.

The Board also discussed and APPROVED the use of CSR funds to pay for Matt Balla, Steve Anderson and Del Fanning if they are interested in attending the district meeting.

WallBalla, 5/0/0
Motion carries

The following board members voted aye:

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

Emergency Drug Scheduling of Synthetic Drugs:

Participating Members: Matt Balla, R.Ph., Mark Smosna, R.Ph., Donna Wall, R.Ph., Winnie Landis, R.Ph.

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

The Board moved to ADOPT the emergency Rule adding the following to the Synthetic Drugs list:

- a. 4F-MDMB-BINACA
- b. N-ethylhexedrone
- c. alpha-pyrrolidinohexanophenone (1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one
- d. a-PHP
- e. 4-MEAP
- f. 4'-methyl-alpha-pyrrolidinohexiophenone (1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one
- g. MPHP
- h. PV8
- i. 4'-chloro-alpha-pyrrolidinovalerophenone (1-(4- chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one
- j. 4-Chloro-a-PVP

Anderson/Wall, 5/0/0
Motion carries

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

REVIEW OF APPLICATIONS

Participating Members: 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):

- Steve Utterbach – Tech in Training App

- Katherine Cassell – Tech in Training App
- Yasmina Young – Tech in Training App

Balla/Wall, 4/0/0
Motion carries

The following board members voted aye:
Winnie Landis, 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):

- Costco Pharmacy #1347 – Pharmacy/CSR App
- Indiana University School of Medicine/Joseph Wallace, Ph.D. – Researcher CSR Change of Location App – Schedules 3,3N
- Indiana University School of Medicine/Ken Yoshida, Ph.D. – Researcher CSR Change of Location App – Schedules 2,3
- Indiana University School of Medicine/Armin Blesch – 61101360B – Researcher CSR Change of Location App – Schedules 3,3N
- North Indy Pain Solutions d/b/a Pain Specialty Center Surgical North Indy – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5
- Genoa Healthcare – Pharmacy/CSR App

Anderson/Wall, 4/0/0
Motion carried

The following board members voted aye:
Winnie Landis, 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):

- Alexander Chaikin, M.D., 01067044B CSR Renewal App
- Steven Paschall, M.D., 01030252B CSR Renewal App

Anderson/Wall, 4/0/0
Motion carried

The following board members voted aye:
Winnie Landis, 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 application(s):

- US Vet Meds – Non Resident App

Balla/Wall, 4/0/0
Motion carries

The following board members voted aye:
Winnie Landis, 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 facility application(s) for additional documentation:

- 866 East Tremont Pharmacy – Non Resident App

Balla/Wall, 4/0/0
Motion carries

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

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

- Vets First Choice d/b/a Covetrus NE
- Annie's Apothecary

Anderson/Wall, 4/0/0
Motion carries

The following board members voted aye:
Winnie Landis, 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 for the following compounding facility application(s):

- Harpers Pharmacy d/b/a Ameripharma

Anderson/Wall, 4/0/0
Motion carries

The following board members voted aye:
Winnie Landis, 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:

- Sterling Specialty Pharmacy – 64002523A
- Integrity Compounding Pharmacy

Anderson/Wall, 4/0/0
Motion carries

The following board members voted aye:
Winnie Landis, 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:

- Jordan Clark – Community Health Network – Pharmacy Services – E-Cigarettes for Smoking Cessation: Just Blowing Smoke? – 1 hour
- Timothy Johnston – Parkview Regional Medical Center – Heparin Induced Thrombocytopenia 5th Ed – 1 hour

Landis/Wall, 4/0/0
Motion carried

The following board members voted aye:
Winnie Landis, 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):

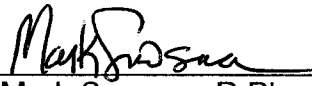
- Owens & Minor Distribution – Carol Stream, IL
- Owens & Minor Distribution – Raleigh, NC – pending letter

- Owens & Minor Distribution – Kings Mountain, NC – pending letter
- Aurobindo Pharma USA, Inc
- Owens & Minor Distribution – Romulus, MI
- Owens & Minor Distribution – Groveport, OH
- Owens & Minor Distribution – Edwardsville, IL
- Owens & Minor Distribution – Olive Branch, MS
- Owens & Minor Distribution – St. Rose, LA
- Owens & Minor Distribution – Ashland, VA
- FXE Warehouse, LLC d/b/a Redwood Distribution


Wall/Balls, 4/0/0
Motion carried

The following board members voted aye:
Winnie Landis, 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 8:27 p.m.



Mark Smosna, R.Ph., President



Matt Balla, R.Ph., Vice President