

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

**MINUTES OF OCTOBER 7, 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  
Donna Wall, R.Ph., Member  
Steven Anderson, R.Ph., Member  
Del Fanning, R.Ph., Member

Members Absent: Winnie Landis, 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.

Fanning/Anderson, 4/0/0  
Motion carries

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

The Board voted to approve the September 9, 2019 minutes as written.

Fanning/Anderson, 4/0/0  
Motion carries

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

### **FULL BOARD APPEARANCES**

#### **Tim Koch, R.Ph., CHC, Senior Director, U.S. Ethics & Compliance, Health & Wellness Practice Compliance, Wal-Mart – Suspicious Order Monitoring:**

Participating Members: Donna Wall, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Del Fanning, R.Ph.

Mr. Koch and Steve Harps both appeared regarding this matter.

At the August 2019 board meeting the following hearings were held:

#### **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.

The Board requested to discuss the monitoring that Walmart has in place to assist in preventing this from happening.

Mr. Koch indicated that part of the issue was the trust the Pharmacist had with the technician and allowed the technician to ring up her own items. The Pharmacist was not checking individual bags and coat pockets as was required.

He indicated that they have limited the controlled substances to all come from one (1)

warehouse as prior they could come from multiple warehouses. They have also put in a hard halt password so the Pharmacist has to put in their password to change an order.

They have reiterated to all staff that when leaving a terminal they must use the "control K" to lock the computer. This went out to all staff again in August 2019 and is being written into Wal-Mart's policies so if it is violated they can point it out in the policies.

The Board thanked Mr. Koch and Mr. Harps for appearing.

**Harpers Pharmacy d/b/a Ameripharma – Non Resident App:**

Participating Members: Donna Wall, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Del Fanning, R.Ph.

Staff notified Harpers Pharmacy of the appearance and this is the second time they have not shown for a scheduled appearance.

After discussion, the Board moved to DENY Harpers Pharmacy's non resident application.

Wall/Anderson, 4/0/0  
Motion carries

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

**Mark Haywood, R.Ph., PIC and Casey Whipple, Technician in Training at Haywood Rx, LLC d/b/a Optimum Wellness Pharmacy – Training without an approved program:**

Participating Members: Donna Wall, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Del Fanning, R.Ph.

Recently, Ron Henderliter, Compliance Officer completed a routine inspection at Haywood Rx, LLC d/b/a Optimum Wellness Pharmacy on September 24, 2019, where he discovered that Ms. Whipple had been training at this pharmacy as a technician and the facility did not have a Board approved technician training program.

Ms. Whipple's technician in training license also expired on August 15, 2019. She indicated that she did work through September this year but was only working about ten (10) hours per week and was doing book training for the PTCB exam.

Mr. Haywood indicated that he thought if they were doing the book training for PTCB they could do the experiential training in any pharmacy.

Mr. Haywood submitted a partial training program. The Board indicated they would review

it after it was complete.

**Kraig Kinney, Deputy General Counsel, DHS – ambulance CSR rule:**

Participating Members: Donna Wall, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Del Fanning, R.Ph.

The Board and Mr. Kinney went over the changes to the proposed rules for ambulances.

Mr. Covington indicated that he will put together a final draft of the rules for the Board to vote on at next month's meeting.

**PROBATIONARY APPEARANCES**

Participating Members: Donna Wall, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph.

The following made their probationary appearance:

David Ringel  
Stephen Potts  
Mikhail Galperin  
Estil Caton  
Susan Hayes  
Phillip Simpson

Lucas Sweet – did not appear as he was ill, will schedule for next month

Jennifer Coy – She did appear and Tim Thomas, Compliance Officer interviewed her and discussed her positive drug screen for alcohol with her. She stated that she didn't know alcohol was off limits. PRP has increased the frequency of drug screens and made it clear that alcohol is off limits.

The Board thanked Ms. Nunnally for her report.

**PERSONAL APPEARANCES**

The following did not appear for their scheduled personal appearance:

- **Malinda Jones, R.Ph. App – continued**

**Sejalben Patel – MPJE Repeat Exam Application:**

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

After discussion, the Board moved to APPROVE Mr. Patel's MPJE repeat exam application.

Anderson/Wall, 4/0/0  
Motion carries

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

**Erin Mundy – MPJE Repeat Exam Application:**

Ms. Mundy appeared before the Board and discussed her studying habits.

After discussion, the Board moved to APPROVE Ms. Mundy's MPJE repeat exam application.

Anderson/Fanning, 4/0/0  
Motion carries

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

**Miranda Milzarek – 45019521A Intern Permit Renewal Application:**

Ms. Milzarek appeared before the Board regarding her intern permit renewal application and was not represented by counsel.

On March 28, 2019, Ms. Milzarek met friends at a Bar to celebrate her birthday. While taking the friends home she was arrested and charged with a DUI. Her BAC was .245

On May 7, 2019 she was placed on criminal probation until May 2020.

She indicated that Purdue University is aware of her issue and she was required to complete a twelve (12) hour alcohol class and write a reflective paper on the incident.

The Board tabled her application and requested she obtain an evaluation by IPRP. IPRP completed the evaluation and had Ms. Milzarek sign a PRN contract for eighteen (18) months.

After discussion, the Board moved to APPROVE Ms. Milzarek's Intern Permit Renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Anderson/Wall, 4/0/0  
Motion carries

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

**Eric Horton – Intern Permit Application:**

Mr. Horton appeared in person and was not represented by counsel regarding his intern permit application.

Mr. Horton had a DUI back in 2009. His BAC was .2

He entered and successfully completed the Kentucky PRN program.

He states he may have one (1) drink a month, only occasionally.

After discussion, the Board moved to APPROVED Mr. Horton's Intern Permit application.

Fanning/Wall, 4/0/0  
Motion carries

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

**Evelyn Choe – Intern Permit Application:**

Ms. Choe appeared in person and was not represented by counsel regarding her intern permit application.

In March 2019, Ms. Choe explained that she was drinking at a party and on her way home she was stopped by the Purdue Campus Police. Her BAC was .15

She entered a deferral program and was non-compliant. She did however complete Purdue's program. She returned to court with proof of completion of the Purdue program and the Judge accepted it in lieu of the court program. She was released six (6) months early from the deferral program.

After discussion, the Board moved to TABLE her application and requested that she obtain an addictionology evaluation by PRP.

Wall/Anderson, 4/0/0  
Motion carries

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

**Steve Utterbach – Technician in Training Application:**

Mr. Utterbach did not appear in person and was not represented by counsel regarding his technician in training application.

This is the second time Mr. Utterbach did not appear.

After discussion, the Board moved to DENY Mr. Utterbach's technician in training application.

Fanning/Anderson, 4/0/0  
Motion carries

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

**Jonathan Chua – Pharmacist Application:**

Mr. Chua appeared in person and was not represented by counsel regarding his pharmacist application.

In 2018 he was arrested for a DUI. His BAC was .16. He is currently on criminal probation with the courts.

His Illinois license is currently active and in good standing, he did indicate that he hasn't renewed his Illinois license so at this time they are not aware of the DUI.

He also indicated he has stopped drinking.

After discussion, the Board APPROVED Mr. Chua's pharmacist application on INDEFINITE PROBATION with terms and conditions.

Wall/Anderson, 4/0/0  
Motion carries

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

**Lovie Hunn – Technician in Training Application:**

Ms. Hunn appeared in person and was not represented by counsel regarding her technician in training application.

Ms. Hunn has had several arrests as follows:

- 2009- convicted of conversion
- 2012 – driving while suspended
- 2013 – driving while suspended
- 1024 – driving while suspended
- 2015 – driving while suspended
- 2018 – driving while suspended & resisting law enforcement

She is currently on unsupervised probation until April 2020 for resisting law enforcement.

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

Wall/Fanning, 4/0/0  
Motion carries

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

**ADMINISTRATIVE HEARINGS**

**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 Extension 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.

Mr. Coleman was charged on April 25, 2019 for the following offenses:

- March 7, 2019 – Possession of a Narcotic Drug – Level 3 Felony
- March 7, 2019 – Theft – A Class A Misdemeanor

State 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 moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Wall, 4/0/0



Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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's criminal case is still on-going.

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/Fanning, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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.

His criminal case is still pending, the trial is scheduled for March 2020.

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.

Fanning/Wall, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, 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 an EXTENSION of SUMMARY SUSPENSION scheduled before the Board. The State of Indiana was represented by Tina Mann, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbauch 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 EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Anderson, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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.

His criminal case is still pending, the trial is scheduled for March 2020.

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/Anderson, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, 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 an EXTENSION of 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.

Pursuant to a Plea Agreement, Ms. Williams plead guilty to:

- Count 1 – Possession of a Narcotic Drug – Felony 6
- Count 2 – Theft – Class A Misdemeanor

She was sentenced as follows:

- Count 1 - Fine/Court Costs/Fees totaling 585.50
  - Community Service – pay \$100 fee and perform 40 hours
  - Jail Sentence – Whitley County Jail - one (1) year with one hundred and eighty days (180) to serve and the balance on a suspended sentence and probation.
  - Drug Alcohol Drug Program fee of \$250
  - Probation for the balance of the suspended sentence plus 100 Administrative fee and \$30 monthly user fee
- Count 2 - Jail Sentence – Whitley County Jail – three hundred and sixty-five (365) days with one hundred eighty (180) served concurrent to Count 1 and the balance on suspended sentence and probation

States Exhibit:

B – Criminal court records

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/Anderson, 4/0/0  
Motion carries

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

**Charles Gabet, D.D.S., License No. 12011130B, Cause No. 2018 IBP 0040**

Respondent appeared in person and was represented by counsel, Mike Gaerte regarding a Petition to Withdraw Probation on CSR 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.

Dr. Gabet informed the Board of the following:

- April 2018 he attended Positive Sobriety Institute in Chicago and signed a contract with the Indiana Well-Being Program with Candace Backer.

- His Dental license was placed on Probation in 2017 and the probation was lifted in May 2019.
- He signed a MOA with DEA for three (3) years starting December 2018
- His sobriety date is November 3, 2016

Respondent Exhibit

1 – Compilation of documents

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to WITHDRAW the ORDER OF PROBATION.

Anderson/Fanning, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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 appeared in person and was represented by counsel, James Voyles regarding a Petition to Withdraw Probation on CSR 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.

Dr. Piatek's controlled substances registration license was placed on Probation by the Board on October 23, 2018.

DEA has inspected his pharmacy and did not find any issues. His DEA was issued on probation and he can prescribe III through IV's.

He has complied with all terms of his probation.

Respondent's Exhibit:

1 – Letter from Stephanie Jaward, PharmD

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to WITHDRAW the ORDER OF PROBATION.

Wall/Fanning, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson

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

**Shuat Yousaf, R.Ph., License No. 26022058A, Cause No. 2019 IBP 0003**

Respondent appeared in person and was not represented by counsel regarding a Petition to Modify 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. Yousaf is to complete six (6) hours of Indiana Law on controlled substances and six (6) hours of Federal Law on controlled substances.

He submitted documentation on the CE he has completed. The Board reviewed the CE documentation and determined it met the requirements of his order.

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 his CONTINUING EDUCATION.

Anderson/Wall, 4/0/0  
Motion carries

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

**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 Final Hearing & 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.

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

Fanning/Wall, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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 EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Wall/Fanning, 4/0/0  
Motion carries

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

**Kelli Muir, Ph.T., License No. 67012112A, Cause No. 2019 IBP 0055**

Respondent appeared 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.

Mr. Eldridge informed the Board that they have agreed to INDEFINITE SUSPENSION for a period of two (2) years.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in the matter the Board moved to APPROVE the verbal agreement.

Anderson/Wall, 4/0/0  
Motion carries

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

**Alexander Chaikin, M.D., License No. 01067044B, Cause No. 2019 IBP 0053**

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause on renewal of Controlled Substances Registration 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.

Dr. Chaikin informed the Board that both his Indiana medical license and his Illinois medical license are both on probation.

He indicated his CSR in Illinois is also on probation and that he currently does not have a

DEA in Illinois as it is expired.

October 3, 2017 he entered the Illinois PHP program. He continues to go to his AA meetings. He is also in Indiana's ISMA PAP program.

Respondents Exhibit:

- 1- Professional Program documents & reports

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to RENEW his controlled substances registration on AGREED INDEFINITE PROBATION with terms and conditions.

Wall/Anderson, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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 did not appear 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.

Mr. Downey has not been compliant with his PRP contract, violating term C of his probationary order.

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

Anderson/Wall, 4/0/0  
Motion carries

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

**Steven Paschall, M.D., License No. 01030252B, Cause No. 2019 IBP 0052**

Respondent appeared in person and was represented by counsel, Elliot Pinkie regarding an Order to Show Cause – Renewal of CSR 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.

Dr. Paschall explained that he currently works for Nationwide Medical reviewing documents and doesn't need a controlled substance registration (CSR) for this position, but he wants to look for a clinical position and will need a CSR for it.

In 2014 he surrendered his DEA, the Board renewed his CSR after a hearing on unencumbered status.

In October 2018 the Medical Licensing Board placed his medical license on Indefinite Probation due to alcohol and substance abuse and non-compliance with ISMA's PAP program. On July 24, 2019 the Medical Licensing board withdrew his probation.

His sobriety date is February 14, 2016, then he stated he relapsed in May of 2018. He was on a business trip and had a drink with dinner. He reported is as soon as he returned. He indicated he also took CBD oil containing THC. After his relapse in 2018 he went to Resurrection in Chicago.

Respondent's Exhibits:

- 1 – IBP order from 9/16/16
- 2 – DEA MOU
- 3 – MLB order from 7/24/19
- 4 – ISMA's PAP letter of compliance

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 Dr. Paschall's CSR application.

Fanning/Anderson, 4/0/0  
Motion carries

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

**Kelley Branchfiled, R.Ph., License No. 26017946A, Cause No. 2018 IBP 0052**

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.

Darren Covington, Board Director was sworn in as a witness.

The order to show cause is to determine if the Respondent violated the following



probationary terms of the Board's order.

g) Applicant shall submit to an evaluation with the Indiana Professionals Recovery Program (IPRP), and if recommended for monitoring, she shall sign a recovery monitoring agreement and comply with its terms.

h) Applicant shall not violate any laws regulating the practice of being a pharmacist and shall report any arrests, substance abuse relapses, or discipline at work, and shall comply with the terms of her criminal probation.

She did sign a contract with IPRP but two (2) weeks ago she had a positive PETH test for alcohol.

Mr. Covington testified that he received a copy of the PETH test from Tracy Traut with IPRP. He received an email from Ms. Traut indicating that Ms. Branchfield had not had a drug screen since January 2019. Ms. Traut scheduled Ms. Branchfield to do a PETH test as it captures a longer period of time.

Due to the positive PETH test Ms. Traut extended Ms. Branchfields PRP contract for three (3) months.

States Exhibit:

A – IPRP letter & PETH test

After discussion, the Board found the Respondent to be in violation term G of her probationary order.

Anderson/Wall, 4/0/0  
Motion carries

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

After further discussion, the Board found the Respondent did not violate term H of her probationary order.

Anderson/Wall, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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 NOT issue further SANCTIONS.

Wall/Anderson, 2/2/0, with Mr. Smosna & Fanning opposed  
Motion fails

After further discussion, the Board moved to revise the Respondent's PROBATION ORDER by extending the length of the probation to match her revised RMA.

Fanning/Anderson, 3/1/0, with Ms. Wall opposed  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, 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., Steve Anderson, R.Ph.

### **Federal Grants**

- IPLA has submitted a budget for year 1 of the CDC's Overdose Data to Action grant. INSPECT will receive \$675,000 for each year of the three year grant.
- As a condition of the CDC's grant, INSPECT is required to connect to the Bureau of Justice Assistance RxCheck system. IPLA completed a cost analysis, statement of work, and timeline for implementation of the RxCheck system connection.

### **Training and Education**

- The 2019 Tableau conference is taking place November 12-15 in Las Vegas. IPLA would like to send two staff members to the conference this year. INSPECT will be investing in advance data analytics dashboards in 2020. The Tableau conference will provide additional training to the INSPECT staff in preparation for development of the new dashboards.
- INSPECT is developing a new on-site training program for college seniors who are seeking a degree in pharmaceutical sciences or Veterinary medicine. Our compliance team will train future Pharmacists and Veterinarians on how to use INSPECT for reporting controlled substance dispensations and checking patient prescription histories.

### **Compliance**

- INSPECT sent out another PMP announcement this month, reminding dispensers to report the identification number of individuals who are picking up controlled substances from their facility, in accordance with State law.

## **The VA MISSION ACT**

- Section 134 of the VA MISSION Act sets requirements for VA providers to query their State PDMP. The VA requested proposals for integrating PDMP data into their VISTA EMR until they are able to complete their transition to a Cerner Millennium system. Appriss Health won the bid for this project and has reached out to State PDMP Administrators for input on state laws and policies that outline the rules for sharing PDMP data.

## **NABP**

- The NABP scheduled a conference call with PDMP Administrators on October 3<sup>rd</sup> to discuss the release of their new website, PDMP Works, which is dedicated to sharing successful State-led efforts to stem opioid and prescription drug abuse.

There is a conference in November 2019 regarding Tableau which is used daily in INSPECT. Ms. Slusser is requesting the Board for \$5,000 from the INSPECT fund to pay for two (2) staff member to attend the conference.

After discussion, the Board moved to approve the request for funding.

Wall/Anderson, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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: Mark Smosna, R.Ph., Donna Wall, R.Ph., Steve Anderson, R.Ph., Del Fanning, R.Ph.

Ms. Nunnally reported the following:

- 90 inspections were performed for the month of August
- 57 Pharmacies
- 11 Home Medical Equipment Facilities
- 22 Controlled Substance Registrations
- 23 Deficiencies were found
- 02 Consumer complaints filed
- 01 Pharmacy robberies for the month of September

To date there have been thirteen (13) pharmacy robberies in the state.

The Board thanked Ms. Nunnally for her report.

**E-prescribing Rule:**

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph.

It's for controlled substances only and will be effective January 1, 2021.

The Board received a list from ISMA of suggested exemptions for the rule. Donna indicated an exception should be if they are discharged from one facility to another they should be able to use paper prescriptions.

**USP <795> Nonsterile Compounding and Flavoring:**

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph.

The Board reviewed a letter from FlavorRx regarding flavoring in compounding, and took it under advisement.

**Rikesh Patel, Ph.I., License No. 45017337A – Petition to Expunge Board's**

**Action:**

Participating Members: Mark Smosna, R.Ph., Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph.

Mr. Patel's intern permit was placed on probation in November 2011 by the Board. The Board lifted the probation on December 14, 2012. Mr. Patel is requesting to have the documents regarding his probation expunged from his record.

After discussion, the Board moved to DENY Mr. Patel's request for expungement.

Anderson/Wall, 4/0/0  
Motion carries

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

The following discussion items were continued to next month:

- White bagging & brown bagging

## **REVIEW OF APPLICATIONS**

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Steve Anderson, R.Ph., Mark Smosna, R.Ph.

### **Individual Application Review:**

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

- Tamara Cookson – Technician in Training App

Wall/Fanning, 4/0/0  
Motion carries

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

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

- Donnisha Richardson – Technician in Training App

Wall/Fanning, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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):

- Beltway Surgery Centers, LLC d/b/a Meridian South Surgery Center – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5
- Crescent City Surgery Center, LLC d/b/a Valley Surgery Center – Surgery Center CSR Change of Location App – Schedules 1,2,2N,3,3N,4,5
- Quality Correctional Care, LLC – Hospital/Clinic CSR App – Schedule 4
- Indiana University School of Medicine, Animal Resources Center/Changler Walker, Ph.D. – Researcher CSR App – Schedules 3,3N
- Beltway Surgery Centers, LLC d/b/a Saxony Surgery Center – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5
- Beltway Surgery Centers, LLC d/b/a Eagle Highlands Surgery Center – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5

- Beltway Surgery Centers, LLC d/b/a East Washington Surgery Center – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5
- Helix Surgicenter – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5

Wall/Fanning, 4/0/0

Motion carries

The following board members voted aye:

Mark Smosna, Donna Wall, Del Fanning, Steve Anderson

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):

- Muncie Treatment Center, LLC d/b/a Muncie Comprehensive Treatment Center – Outpatient Clinic CSR App – Schedules 2,2N,3,3N

Wall/Fanning, 4/0/0

Motion carried

The following board members voted aye:

Mark Smosna, Donna Wall, Del Fanning, Steve Anderson

The following board members voted nay: none

The following board members abstained: none

**Facility Applications:**

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

- National Seating & Mobility – HME App
- VectraRx Mail Pharmacy Services – Non Resident App
- 866 East Tremont Pharmacy – Non Resident App – Inspection Review
- Custom Plus Pharmacy Long Term Care (Suite A) – Pharmacy App
- Custom Plus Pharmacy Long Term Care (Suite B) – Pharmacy App
- RxC Acquisition Company d/b/a Rx Crossroads by McKesson – Non Resident App
- Michigan Pharmacy – Non Resident App
- Medication Management Program – Non Resident App
- Owens & Minor Distribution – Romulus MI – Wholesale Drug Distributor App
- Peoples Drugs – Pharmacy/CSR App

Fanning/Wall, 4/0/0

Motion carries

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

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

- Sutton Family Pharmacy
- ImprimisRx NJ, LLC d/b/a Imprimis Rx
- Hunt Valley
- Vasco Rx
- Family Pharmacy South Aiken
- Alphascript, Inc
- ZipHealth
- Avella of Tampa
- Norton Pharmacies, PLLC d/b/a Norton Pharmacy

Anderson/Fanning, 4/0/0  
Motion carries

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

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

- DYL Llc d/b/a South Lake Pharmacy
- Rite Away Pharmacy & Medical Supply
- Louisville Pharmacy

Anderson/Fanning, 4/0/0  
Motion carries

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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:

- Connor Hummel – Community Health Network Pharmacy Services – Med with Benefits: Cardiovascular outcomes with GLP-1 Agonists & SGLT-2 Inhibitors – 1 hour
- Baely Direzno – Eskenazi Health – Heart Failure and Coronary Artery Disease – 5

- hour
- Megan Ellinger, Parkview Regional Medical Center – Angioedema: Uncommon Pharmacologic Culprits - .5 hour
  - Christina Davis – Eskenazi Health – Getting Ahead of the Curve: Vancomycin Area Under the Curve Based Dosing – 1 hour
  - Jenna Deininger – Parkview Regional Medical Center – Nsaid Induced Acute Kidney Injury - .5 hour
  - Michael Genday – Parkview Regional Medical Center – Cryptococca Meningitis - .5 hour
  - Brandon Bergman – European Accreditation Council for Continuing Medical Education – European Association for the Study of Diabetes (ESAD) Annual Meeting 2018 – 25 hours

Fanning/Wall, 4/0/0  
Motion carried

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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 programs:

- Crosswind – initial app

Wall/Fanning, 4/0/0  
Motion carried

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
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):

- Wellgistics, LLC

Wall/Fanning, 4/0/0  
Motion carried

The following board members voted aye:  
Mark Smosna, Donna Wall, Del Fanning, Steve Anderson  
The following board members voted nay: none



The following board members abstained: none

There being no further business the Board adjourned at 4:24 p.m.



---

Mark Smosna, R.Ph., President

---

Matt Balla, R.Ph., Vice President