

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

MINUTES OF MARCH 14, 2022

Mark Smosna, R.Ph., President, called the meeting to order at 8:06 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present : Mark Smosna, R.Ph., President
 Mark Bunton, R.Ph., Vice President
 Winnie Landis, R.Ph., Member
 Jason Jablonski, R.Ph., Member

Member Absent: Steve Anderson, R.Ph., Member
 Matt Balla, R.Ph., Member

Staff Present: Laura Turner, J.D., Board Director
 Professional Licensing Agency
 Jody Edens, Assistant Director
 Professional Licensing Agency
 Kurt Miller, J.D., Deputy Attorney General
 Office of the Attorney General

The Board voted to adopt the agenda.

Landis/Bunton, 4/0/0
Motion carries

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

FULL BOARD APPEARANCES

The following did not appear for their scheduled full board appearance:

- **Ziphealth, Inc. License No. 64002842A – Renewal-cancelled**
- **College Pharmacy, License No. 64000736A – Renewal Positive Response**
- **HDM Pharmacy, License No. 64003120A – Renewal Positive Response**
- **Independence Plus, License No. 69000974A – Renewal Positive Response**

Ted Cotterill and Tim Bailey – MPH Enhances Research Environment Discussion:

Mr. Cotterill and Mr. Bailey both appeared regarding this discussion. They are with the Management Performance Hub and gave a presentation on Enhanced Research Environment (ERE).

ERE is a secure, shared, research environment via Virtual Desktop Infrastructure (VDI) where external researchers and data analysts can use sophisticated data sharing tools to access and analyze de-identified data. The VDI environment is protected by Indiana Office of Technology’s (IOT) security protocols allowing researchers unique access to data that had previously been very difficult to share with outside entities due to cybersecurity hurdles.

This enhanced and authenticated access environment significantly improves the usability of sensitive microdata and the state’s ability to ensure responsible, secure use. This drives additional value for MPH’s partners and stakeholders.

MPH received the 2020 NASCIO State IT Award for Innovative and Emerging Technology for the Enhanced Research Environment.

The Board thanked both for the presentation.

Coram Alternate Site Services d/b/a Coram CVS/Specialty Insusion Services, License No. 64002722A – Renewal Discussion:

Courtney Phillips, Regulatory Director and Taylor Post, R.Ph. both appeared regarding this matter.

They submitted their last two (2) environmental testing reports.

The Board reviewed and discussed the reports with Courtney and Taylor.

After discussion, the Board moved to APPROVE Coram’s license renewal.

Bunton/Jablonski, 4/0/0
Motion carries

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

PERSONAL APPEARANCES

Emily Shoupe, R.Ph., - NAPLEX Repeat Exam App:

Emily Shoupe appeared before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved to APPROVE Emily Shoupe's NAPLEX repeat exam application.

Landis/Bunton, 4/0/0
Motion carries

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

Kerstine Lena, R.Ph., - MPJE Repeat Exam App:

Kerstine Lena appeared before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved to APPROVE Kerstine Lena's MPJE repeat exam application.

Jablonski, Smosna, 4/0/0
Motion carries

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

Rania Noffel, R.Ph., - MPJE Repeat Exam App:

Rania Noffel appeared before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved to APPROVE Rana Noffel's MPJE repeat exam application.

Landis/Bunton, 4/0/0
Motion carries

The following board members voted aye:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton

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

Rebecca Arney, R.Ph., - NAPLEX Repeat Exam App:

Rebecca Arney appeared before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved to APPROVE Rebecca Arney's NAPLEX repeat exam application.

Bunton/Jablonski, 4/0/0
Motion carries

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

Hannah Howell, R.Ph., - NAPLEX Repeat Exam App:

Hannah Howell appeared before the Board and discussed his/her studying habits with the Board.

Let the record reflect that Mark Bunton and Winnie Landis explained they both work for CVS as does Ms. Howell. Winnie and Mark feel they can be fair and impartial in this matter. Ms. Howell was fine with both Winnie and Mark participating.

After discussion, the Board moved to APPROVE Hannah Howell's NAPLEX repeat exam application.

Jablonski/Smosna, 4/0/0
Motion carries

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

Morgan Woodford, Technician/Tech in Training – Application Positive Response:

Morgan Woodford appeared before the Board and was not represented by counsel regarding a positive response on her initial application.

April 2019 she was charged with the following:

- Intimidation the threat is to certain types of people (see statute for list) AN – Felony

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- Intimidation where threat is to commit a forcible felony – Felony 6
- Driving while suspended requires a knowing violation and a prior conviction – Misdemeanor A
- Knowingly or intentionally operating a motor vehicle without ever receiving a license – Misdemeanor A
- Criminal recklessness – Misdemeanor B
- Operating a vehicle while intoxicated endangering a person – Misdemeanor A
- Operating a vehicle with a BAC of .08 or more per blood – Misdemeanor C

On June 3, 2021, the courts issued the following on the charges:

- 01. 35-45-2-1(a)(1)/MA: Intimidation the threat is to certain types of people (see statute for list) AN • Plea by Agreement \$200 fee
- 02. 35-45-2-1(a)(1)/F6: Intimidation the threat is to certain types of people (see statute for list) AN • Dismissed
- 03. 35-45-2-1(a)(2)/F6: Intimidation where threat is to commit a forcible felony • Dismissed
- 04. 9-24-19-2/MA: Driving While Suspended requires a knowing violation and a prior conviction of Sec. 1 • Dismissed
- 05. 9-24-18-1 /MA: Knowingly or Intentionally Operating Motor Vehicle w/o Ever Receiving License (Prior) • Dismissed
- 06. 35-42-2-2(a)/MB:Criminal Recklessness • Plea by Agreement
- 07. 9-30-5-2(a) & (b)/MA: Operating a Vehicle While Intoxicated Endangering a Person • Plea by Agreement Alcohol and Drug Countermeasure Fee
- 08. 9-30-5-1(a)(1)/MC: Operating a Vehicle with a BAC of .08 or More per Blood • Dismissed

Sentencing:

- Confinement to Commence: 06/03/2021 Community Corrections Term: 707 Days
- Jail Credit: 31 Days Suspended: 0 Days
- Concurrent with Prior Sentence: to count 2 and 3 Consecutive with Prior Sentence: 49D181912F6047009 Comment: Time served

Condition - Adult:

- Community Corrections, 707 days, 06/03/2021, Active 06/03/2021
- Home Detention, 06/03/2021, Active 06/03/2021
- Substance Abuse Evaluation, completed, 06/03/2021, Active 06/03/2021
- Community Impact Panel, Completed, 06/03/2021, Active 06/03/2021
- Driver's License Suspension, 365 days beginning 5/3/2019, 06/03/2021, Active 06/03/2021
- Abstract: Recommended Degree of Security - No Recommendation, 06/03/2021, Active 06/03/2021

In January 2022, she was arrested for trespassing at a hotel party, these charges are still pending at this time.

After discussion, the Board moved to TABLE this matter until the January 2022 court matter is concluded.

Landis/Jablonski, 4/0/0
Motion carries

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

Nykole Zimmerman, R.Ph., - NAPLEX Repeat Exam App:

Nykole Zimmerman appeared before the Board and discussed his/her studying habits with the Board.

After discussion, the Board moved to APPROVE Nykole Zimmerman's NAPLEX repeat exam application.

Landis/Bunton, 4/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

The following hearing(s) were continued:

- **John Young, D.V.M., License No. 24004946B, Cause No. 2022 IBP 0010**
- **Right Med Pharmacy, LLC, License No. 60006764B, Cause No. 2022 IBP 0015**
- **Stat Pharmacy, License No. 60006684B, Cause No. 2022 IBP 0016**

The following hearing(s) were cancelled:

- **Walgreens #09711, License No. 60005908A/B, Cause No. 2022 IBP 0017**

Walgreens #05141, License No. 60003208A, Cause No. 2021 IBP 0052

Respondent appeared in person and was not represented by counsel, regarding a Proposed Settlement Agreement scheduled before the Board. The State of Indiana was

represented by Sha'na Harris Terry, Deputy Attorney General, and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

A proposed settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The proposed settlement agreement included a LETTER OF REPRIMAND and a FINE of \$1,000.

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

Landis/Bunton, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Natasha Renee Perkins, Ph.T., License No. 67029299A, Cause No. 2021 IBP 0040

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 Natalie Stidd, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington.

Ms. Stidd informed the Board that the criminal charges are still pending in this matter.

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 an additional Ninety (90) days.

Landis/Jablonski, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Sarah Scales, Ph.T., License No. 67028010A, Cause No. 2020 IBP 0048

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 Aaron Ridlen, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington.

Let the record reflect that Mark Smosna knew the respondent previously but feels he can be fair and impartial in this matter. Mr. Ridlen was fine with Mark participating.

The Respondent was placed on criminal probation in December. 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 an additional Ninety (90) days.

Landis/Bunton, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: 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 represented by counsel, Patrick Callahan regarding a Petition to Reinstate 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 Margie Addington, with Accurate Reporting Service.

Tracy Traut, Clinical Case Manager, IPRP was sworn in as a witness.

Ms. Traut testified that in February 2019, the Respondent was discharged unsuccessfully from IPRP after he failed to return a signed and notarized recovery monitoring agreement (RMA).

Ms. Traut further testified that he has been enrolled with IPRP three (3) times, the most recent being December 16, 2021, he signed his RMA. The RMA goes until December 16, 2023. Currently, he is one-hundred (100%) percent compliant. He has completed fifteen (15) urine drug screens which were all negative. She doesn't have any concerns if he continues on the path he is on. He has not completed six (6) months with IPRP per his suspension order.

Mr. Downey informed the Board that he complied the best he could. He indicated he stopped complying with the Board's order because he was working in Chicago.

He also indicated he had a relapse in June 2019. He continues to see an addiction Psychiatrist monthly, his therapist every two (2) weeks and re-enrolled with IPRP in January 2022. He does not go to AA/NA meetings because of his faith.

He is PTCB certified and must complete 20 hours of CE to renew his certification. He has worked at Walgreens for the last two and a half (2.5) years.

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 REINSTATE the Respondent's license on INDEFINITE PROBATION with terms and conditions.

Jablonski/Bunton, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Robert Bigler, M.D., License No. 01034584B, Cause No. 2022 IBP 0007

Respondent appeared in person and was represented by counsel, Randy Fisher regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both for CVS but feel they can be fair and impartial in this matter. Mr. Fisher was fine with both participating.

Dr. Bigler does pain management, and is board certified in both Anesthesia and Pain Management.

In a statement Dr. Bigler entered as evidence for the Board to review he states in part the following:

"In May of 2021, I was indicted in United States District Court-Hammond Division, under cause number 2:21-CR-00050-JTM-JPK. I would like to make it very clear to this Board that I categorically deny any criminal wrongdoing and I am prepared to defend these allegations to the fullest extended under the law. Following the indictment, I was placed on "Pretrial Release" and have fully cooperated with the United States Pretrial Services, the United States District Court, the US Attorney's Office, and Federal Investigators.

The indictment against me in the above discussed criminal matter involves past allegations taking place between 2016 to 2018 and no allegations against me within the past four (4) years of practicing medicine. Furthermore, the alleged offenses against me do not include any allegations whatsoever of fraud nor any allegations that any harm has ever come to any of my patients.

Extremely important to this Board's consideration, an agreement was reached with the United States Attorney's Office, wherein I voluntarily agreed "not to prescribe controlled substances or supervise any practitioners who prescribe controlled substances" during the pendency of this case. In fact, I have not written a single prescription since entering into this agreement, scheduled or otherwise.

Finally, with the approval of the United States Attorney's Office and under the terms of the agreement, I am still permitted to practice medicine and conduct medical procedures in-office and at surgery centers.

States District Court, I have voluntarily agreed "not to prescribe controlled substances or supervise any practitioners who prescribe controlled substances" during the pendency of the criminal case.

Moreover, I have not been convicted of any crime, I am not harmful in any way to my patients nor the community at larger, nor do these allegations have a direct bearing on my ability to continue to practice medicine competently.

Conclusion

Thank you to this Board for your time and consideration regarding this important matter. While it is true that I have pending charges against me, the United States District Court and US Attorney's office-based upon the facts and circumstances surrounding the alleged offenses-have agreed allow me to continue to practice medicine while the matter pends. Simply put, the federal investigative agencies most directly involved in this matter have agreed to allow me to continue to practice medicine, conduct medical procedures, and prescribe non-controlled substance medications."

Respondents Exhibits:

A – CV

B – emails

C – Written statement

D – copy of DEA

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 Dr. Bigler's controlled substances registration (CSR).

Landis/Jablonski, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Buntun
The following board members objected: none
The following board members abstained: none

Katherine Herold, M.D., License No. 01070562B, Cause No. 2022 IBP 0008

Respondent appeared in person and was represented by counsel, Barclay Wong regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Dr. Herold joined the KY Health Foundation program in 2021 and then also entered ISMA (PAP) program on December 3, 2021, due to substance abuse issues.

She completed ninety (90) days in an inpatient recovery center; does drug testing; attends individual therapy; group therapy and goes to AA/NA meetings.

Opioids are her drug of choice. Her sobriety date is June 28, 2021.

March 9, 2022, the KY Board of Medicine entered into an agreed order with the Respondent for a five-year probationary period with terms and conditions.

Respondent Exhibits:

A – KY Order

B – KY Health Foundation Contract

C – Letter from Dr. Simpson

D – KY agreed 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 RENEW Dr. Harold's controlled substance registration (CSR) on AGREED INDEFINITE PROBATION with terms and conditions.

Bunton/Jablonski, 4/0/0

Motion carries

The following board members voted aye by roll call:

Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton

The following board members objected: none

The following board members abstained: none

Kurtis Hull, M.D., License No. 01037287B, Cause No. 2022 IBP 0009

Respondent appeared in person and was represented by counsel, Joshua Burris regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The state of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

In February 2021, Dr. Hull's medical license was placed on indefinite probation for three (3) years by the Medical Board. He must have a physician supervisor and cannot work in pain management.

He indicated that he was charged with neglecting to have a patient sign a contract. He stated he believed the patient signed the contract, but it was lost.

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 Dr. Hull's controlled substance registration (CSR) on AGREED INDEFINITE PROBATION with terms and conditions.

Landis/Bunton, 4/0/0

Motion carries

The following board members voted aye by roll call:

Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton

The following board members objected: none

The following board members abstained: none

CVS, LLC, License No. 62002188B, Cause No. 2022 IPB 0003

Respondent appeared in person and was represented by counsel, Harold Hilborn regarding an Order to Show Cause/Renewal Positive Response scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Let the record reflect that Winnie Landis and Mark Bunton explained that they both work for CVS but feel they can be fair and impartial in this matter. Mr. Hilborn was fine with both participating.

A supervisor, Jessie Holloway diverted cases of Promethazine from the store. He fled the state and was arrested by U.S. Marshalls at the border of New Mexico.

Mr. Holloway removed the pallets on the weekends and was eventually caught on camera. There were 1,500 bottles of Promethazine missing.

CVS has updated the procedures and security measures to prevent this in the future.

The board has the following questions:

- Who is the PIC
- Is Jessie Holloway a pharmacist
- How long of a period had this been going on

Respondent was not able to answer the Board's questions at this time

After discussion, the Board moved to TABLE this until the April meeting so the Respondent and counsel could obtain the answers to the Board's questions.

Smosna/Bunton, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton

The following board members objected: none

The following board members abstained: none

Phils Discount Drugs, License No. 60006111A/B, Cause No. 2022 IPB 0018

Respondent appeared in person and was represented by counsel, Patrick Callahan. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Mark Robbin, representative of Phils Drugs appeared regarding this matter.

Due to diversion by a pharmacy technician, the DEA issued an MOU for Phils Discount Drugs.

The tech was able to maneuver the perpetual inventory at a sister store, which the Board has already dealt with. They did remediation measures to keep this from happening in the future.

They have had multiple inspections since their DEA MOU was effective. The DEA MOU covers this store and the sister store. The sister store's pharmacy license is on probation with the Board.

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 Phils Discount Drugs on AGREED INDEFINITE PROBATION for no less than one (1) year with terms and conditions.

Bunton/Jablonski, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

CVS Pharmacy #9640, License No. 60005999A, Cause No 2021 IBP 0059

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing/Administrative Complaint 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 Margie Addington, with Accurate Reporting Service.

A proposed settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included INDEFINITE PROBATION for no less than six (6) months with terms and conditions and a \$1,000 FINE.

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

Smosna/Jablonski, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Unites Rx, LLC, License No. 61101258B, Cause No. 2021 IPB 0018

Respondent appeared in person and was represented by counsel, Ryan Torres regarding a Final Hearing/Motion to Dismiss 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 Margie Addington, with Accurate Reporting Service.

Mr. Eldridge requested that the Board dismiss this matter.

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

Landis/Bunton, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Carson Blair, Ph.TNT, License No. 99106019A, Cause No. 2022 IBP 0020

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 Carah Rochester, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Ms. Rochester requested that her witness be allowed to testify by telephone.

After discussion, the Board moved to APPROVE the witness to testify by telephone

Bunton/Landis, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Ellen Day, District Asset Protection Manager for Krogers was sworn in as a witness.

Ms. Day testified that they found ninety (90) Xanax, two (2) Narco and two (2) Adderall tables were missing.

She notified Carson that she wanted to interview him regarding the missing drugs. He cam in and turned in his resignation and that day would be his last. She interviewed him at the end of his shift, it took him a while, but he eventually admitted to diverting the medication. They also had the incident on camera.

After Carson admitted to taking the Narco and Xanax, he gave them permission to search his backpack, during the search they could hear the pills in the backpack. They found a stock bottle of Ciallias pills, this was a brand-new bottle still intact.

The police were called, and Carson asked for a lawyer once the police arrived. When a Detective arrived, Carson agreed to speak with the Detective. The Detective found an unlabeled bottle of pills in Carson's backpack.

States Exhibits:

A – security video

B – Employee Records

C – Police Report/Court Documents

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 place the Respondent's license on SUMMARY SUSPENSION for Ninety (90) days.

Jablonski/Bunton, 4/0/0

Motion carries

The following board members voted aye by roll call:

Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton

The following board members objected: none

The following board members abstained: none

Shala S. Booth, Ph TNT, License No. 99104015A, Cause No 2022 IBP 0011

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 Autumn Murphy, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Ms. Murphy requested that her witness be allowed to testify by telephone.

After discussion, the Board moved to APPROVE the witness to testify by telephone

Smosna/Bunton, 4/0/0

Motion carries

The following board members voted aye by roll call:

Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton

The following board members objected: none

The following board members abstained: none

Let the record reflect that Winnie Landis and Mark Bunton explained that they both work for CVS but feel they can be fair and impartial in this matter. Ms. Murphy was fine with both participating.

Officer Philip Nicholson, Wabash City Police Officer and Carolyn Rowe, Case Analyst with the AG's Office and Jayme Sorg, CVS District Leader were sworn in as witnesses.

Officer Nicholson testified that the Respondent admitted that she diverted at least one-hundred and fifty (150) pills.

Jamie Sorg, CVS District Leader indicated that the Respondent admitted she was diverting medication. Respondent was terminated from CVS on December 3, 2021.

States Exhibits:

A1 – Pharmacy records

A3 – Jamie Sorg, District Leader's statement

A5 – Copy of promissory note

B1 – Anthony Seidita's affidavit

After having considered the evidence presented, testimony of the witnesses, 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.

Smosna/Jablonski, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Jacqueline Swinford, Ph.T., License No. 67003797A, Cause No. 2021 IBP 0046

Respondent did not appear in person and was not represented by counsel regarding a Summary Suspension Extension/Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Service.

Let the record reflect that Winnie Landis and Mark Bunton explained that they both work for CVS but feel they can be fair and impartial in this matter. Mr. Hart was fine with both participating.

After having considered the evidence presented, testimony of the witnesses, 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.

Bunton/Landis, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

Brittany Snow, Case Analyst was sworn in as a witness.

Ms. Snow indicated that in her investigation she found that the Respondent admitted she diverted medication for her own use. She had been diverting Alprazolam for two (2) years and Phentermine for four (4) years.

Respondent was terminated from CVS based upon the diversion.

States Exhibits:

A – employment records

B – criminal records

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

Smosna/Jablonski, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

After having considered the evidence presented, testimony of the witnesses, 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.

Jablonski/Smosna, 4/0/0
Motion carries

The following board members voted aye by roll call:
Jason Jablonski, Winnie Landis, Mark Smosna, Mark Bunton
The following board members objected: none
The following board members abstained: none

DISCUSSION

Zaneta Nunnally, Compliance Director Report:

Ms. Nunnally reported the following:

For the month of February 2022, the Compliance Officers completed the following inspections:

- 60 CSR
- 14 Home Medical Equipment
- 57 Pharmacy

A total of 24 violations were found.

There was one (1) pharmacy robbery for the month of February.

The Board thanked Ms. Nunnally for her report.

Kara Slusser, INSPECT Director:

Ms. Slusser reported the following:

- 1) Data Requests: In January of this year, the Marion County Public Health Department (MCPHD) appeared before the Board of Pharmacy to review their request for INSPECT data. The request was approved by the Board and an approval notice was sent to MPH. MPH worked with MCPHD to develop a project charter, which must be reviewed and signed by the INSPECT Director prior to final access being granted to the enhanced research environment (ERE), where the project exists. Upon reviewing the charter, it was discovered that MPH was asked to include identifiable data from Regenstrief and MCPHD, along with the deidentified INSPECT data, to the ERE. This would essentially make the INSPECT data identifiable and defeat the purpose of placing the project within the ERE. These additional data sets were not approved by the Pharmacy Board to be combined with INSPECT data. Due to this issue, we have placed a hold on the MCPHD project. The agency recommends that we revise the project charter and tell MPH which data fields can be used for this project, and which are restricted. If MCPHD feels that they cannot complete their project with the approved fields only, then they can return to discuss this with the Board at a later meeting.
- 2) Compliance: Earlier this month, a list of recently expired medical licenses and CSRs was generated to identify which INSPECT accounts should be deactivated. Our agency then ran associated DEA registrations against the AWA Rx E system data to identify practitioners who have continued to issue controlled substance prescriptions without a valid CSR. We discovered 51 practitioners who have been prescribing without proper authority. A notice was sent to our local DEA office with a request to suspend the DEA registrations of these practitioners until their license and CSR are in good standing. DEA is now contacting practitioners and sending out formal notices of non-compliance.

3) AWARxE Enhancements: Our agency has been working with the PDMP technology vendor to develop a software enhancement that would act as a prescription fraud alert. The basic concept would be a customizable alert system that flags prescriber DEA numbers that are being used to fill fraudulent scripts. This would trigger a hard stop in pharmacy management systems when a pharmacist attempts to fill a prescription under that DEA number. The alert would notify the pharmacist that they must contact the physician to verify the script. Additionally, the system could alert the INSPECT team each time a prescription is filled for a specific medication being targeted with fraudulent scripts. We anticipate having a full project overview and pricing by the time the Board meets again next month.

The Board thanked Ms. Slusser for her report.

Tracy Traut – IPRP Report:

Ms. Traut presented an in-depth report on how the Indiana Professionals Recovery Program (IPRP) works.

The Board reviewed the report and thanked Ms. Traut for preparing it.

There being no further business the Board ADJOURNED at 3:45p.m.