

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

MINUTES OF JANUARY 8, 2018

Winnie Landis, R.Ph., Vice President, called the meeting to order at 8:36 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: Donna Wall, R.Ph., Member
Winnie Landis, R.Ph., Vice President
Del Fanning, R.Ph., Member
Matt Balla, R.Ph., Member
Mark Smosna, R.Ph., Member

Members Absent: Steve Anderson, R.Ph., President
John Wilson, J.D., 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
Gordon White, J.D., Deputy Attorney General
Office of the Attorney General
Nicole Schuster, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Wall/Fanning, 5/0/0
Motion carries

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

The Board has not had sufficient time to review the December 11, 2017 minutes, therefore they will review and vote on them at the February meeting.

ELECTION OF OFFICERS

The following were voted into office for a one (1) year term beginning February 1, 2018

- Winnie Landis, R.Ph., President
- Mark Smosna, R.Ph., Vice President

Wall/Fanning, 5/0/0
Motion carries

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

FULL BOARD APPEARANCES

The following matter was TABLED:

Pill Box Pharmacy, Inc – Remote Location App using Telepharmacy

Tate Trujillo, R.Ph., IU Health – Discussion on Gabapentin:

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

Mr. Trujillo informed the Board that the IU Health system is now treating Gabapentin as a schedule II drug due to significant loss of the drug over the past few years.

Ms. Landis indicated that her pharmacy is seeing an increase in prescriptions for Gabapentin.

The Board thanked Mr. Trujillo for his discussion.

Jack Wells, Executive Director PCA Pharmacy – DOSIS Machine:

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

Jack Wells, Executive Director PCA Pharmacy; Jay Sullivan with Company that makes DOSIS and Darren Burton, Sales Representative for Company that makes DOSIS all appeared regarding this matter.

Mr. Wells stated that Innovative Pharmacy appeared before the Board this past November 2017 regarding using this machine in their remote locations and the Board did approve it.

After discussion, the Board moved to APPROVE the DOSIS machine for use in PCA Pharmacy remote locations.

Fanning/Wall, 5/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Rich Palumbo, R.Ph., DPh, Senior Director of Pharmacy Regulatory Affairs,
Express Scripts – Work at home Technician Discussion:

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

Rich Palumbo, R.Ph., DPh; Tara Teachout; Linda Driggs, Ph.T.; Johnna Allen Ph.T. and Sharon Miller, R.Ph. were all present regarding this discussion.

Ms. Teachout explained to the Board that the technician work at home program has been very successful and their productivity has increased.

Linda and Johnna both indicated that their work space was inspected and they find they can get more accomplished by working at home.

Ms. Miller indicated she has worked from home in this program since 2014 and likes the quiet so she can concentrate on what she is doing.

They currently have four (4) technician's working at home.

After discussion, the Board moved to EXTEND the Program for another Six (6) months at which time Express Scripts will make another appearance.

Fanning/Balla, 5/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

PROBATIONARY APPEARANCES

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

The following made their probationary appearance:

Kristina Luers
Charles McGee
Estil Caton
Ryan Manges
Donovan Higgins
Phillip Simpson

Tim Thomas, Compliance Officer indicated that he has concerns regarding Estil Caton. He indicated that Mr. Caton has documentation missing almost every time he appears.

After discussion, the Board moved to request Estil Caton to make a full Board appearance at the February 12, 2018 meeting.

CONSENSUS
Motion carries

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

PERSONAL APPEARANCES

The following did not appear for their scheduled personal appearances and will be rescheduled:

- Shayna Eck, Technician in Training App
- Jordan Green, Technician in Training App
- Morgan McClintock, Technician in Training App
- Alexander Jackson, Technician in Training App

The following were CONTINUED and will be rescheduled:

- Animal Health International, 64002066A, Non Resident Ren

Beth Parsons, R.N., Intern Permit App:

Ms. Parsons appeared before the Board regarding a positive response on her intern permit application and was not represented by counsel.

Ms. Parsons informed the Board that her R.N. license is currently on Indefinite Probation until she completes her RMA contract with ISNAP.

Back in 1999 she completed the Fairbanks alcohol/drugs program, but failed to sign with ISNAP as they didn't contact her for several months and by then she was a stay at home Mom. Her license was then placed on Indefinite Suspension for seven (7) years. She has now signed with ISNAP and has received her R.N. license back on probation.

Prescription Opioids was her issue. Her sobriety date is May 28, 2015. She indicated her real sobriety date was back in 2000 but the Nursing Board will not count that time as she wasn't in ISNAP program.

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

Wall/Smosna, 5/0/0
Motion carries

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

Dominic Senemis, Intern Permit App:

Mr. Senemis appeared before the Board regarding a positive response on his intern permit application and was not represented by counsel.

Mr. Senemis submitted court documents showing his court case has now been dismissed.

He also submitted a letter from Holly Mason, Ph.D., R.Ph., Senior Associate Dean and Professor at Purdue University indicating that they are aware of Mr. Senemis' issue.

After discussion, the Board moved to APPROVE Mr. Senemis' intern permit application.

Fanning/Balla, 5/0/0
Motion carries

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

Rashauna White, Technician in Training App:

Ms. White did not appear before the Board regarding a positive response on her technician in training application and was not represented by counsel.

This is the second request for Ms. White to appear and the second time she has not appeared.

After discussion the Board moved DENY Ms. White's technician in training application.

Fanning/Smosna, 5/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Ashley Custer, Technician in Training App:

Ms. Custer appeared before the Board regarding a positive response on her technician in training application and was not represented by counsel.

Ms. Custer was arrested in 2015 and has a pending charge regarding committing Wire Fraud. She indicated that the money order in the amount of \$2,600 was coming to her in her name from someone she considered an 'Uncle' so she could help her Mother pay her bills.

Mr. Covington indicated while reviewing the court documents it says: "Kelly Custer, Ashley's Mother developed a scam/extortion by telling some of her acquaintances that the Mafia would hurt their family unless they paid money. It indicated that amounts totaling two (2) to three (3) hundred thousand up to one and one-half million dollars was extorted in this scam."

Ms. Custer indicated her trial was scheduled for April 23, 2018.

After discussion, the Board APPROVED Ms. Custer's request to WITHDRAW her application for a technician in training license.

Wall/Fanning, 5/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Nuvia Cazarez, Technician in Training:

Ms. Cazarez appeared before the Board regarding a positive response on her technician in training application and was not represented by counsel.

Ms. Cazares was arrested in 2015 for fleeing and resisting law enforcement. She indicated that a Police Officer on a bicycle said he was trying to pull her over and she ignored him. She stated that she did not see the officer.

She entered into a diversion program, which has been completed.

After discussion, the Board moved to APPROVE Ms. Cazarez's technician in training application.

Wall/Smosna, 5/0/0
Motion carries

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

Wells Pharmacy Network, License #'s 64001422A and 64001355A Non Resident Renewals:

Chris Fishman, Sr. Vice President for loss prevention appeared on behalf of both license renewals and was not represented by counsel. He began with the Company back in 2014.

He indicated the following actions:

- Maine – didn't report change in PIC in a timely manner
- Arizona – an audit found concerns and their license was placed on Indefinite Probation – other states followed
- Alabama – in 2016 they agreed to not do business in Alabama.
- In 2017 FDA & Florida did an inspection – they issued a recall of the product
- In November 2017 ACHA accredited both locations and they then notified both the FDA and Florida that they would begin compounding again.
- Action in Hawaii as they didn't report the action timely
- In New Hampshire they are working with the Board to renew the license

They have two facilities, one in Tennessee and one in Florida where they issue five hundred (500) to one-thousand (1,000) prescriptions per day. They do both sterile and non-sterile compounding.

They are not on probation with any state.

After discussion, the Board moved to APPROVE both of Wells Pharmacy Network's non-resident renewal applications.

Fanning/Wall, 5/0/0
Motion carries

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

Rood and Riddle Veterinary Pharmacy, License # 64000796A, Non Resident Renewal:

John Barrett and Kelly Zacharelli, R.Ph., P.I.C. both appeared of this matter and was not represented by counsel.

The New Hampshire Board denied their license due to PIC issues, since then Kelly has taken over and put in place new policies and procedures.

Under the prior PIC it was found that diversion was going on.

Their Nebraska license is currently on Probation.

They send approximately six-hundred (600) prescriptions into Indiana per year, their main patience are Horses.

After discussion, the Board moved to APPROVE Rood and Riddle Veterinary Pharmacy's non resident renewal.

Wall/Fanning, 5/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

The following administrative hearings were continued:

- **Tessa Wetherald, P.T.I.T., License No. 67022308A, Cause No. 2017 IBP 0075**

Melanie Ann Arvin, R.Ph., License No. 26020779A, Cause No. 2018 IBP 0002

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Fanning/Wall, 5/0/0
Motion carries

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

Brandon Boston, Ph.T., License No. 67030243A, Cause No. 2018 IBP 0003

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

In the employee record from Walgreens, the Respondent admitted to diverting the drugs.

States Exhibit
A – Employee record from Walgreens

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Wall/Balla, 4/0/1 with Mr. Smosna abstaining
The following board members voted aye:
Donna Wall, Del Fanning, Winnie Landis, Matt Balla
The following board members voted nay: none
The following board members abstained: Mark Smosna

Dorwyn Collier, D.O., License No. 02001521B, Cause No. 2017 IBP 0099

Respondent did appear in person and was represented by counsel, Robert Saint regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Laura Iosue, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Dr. Collier has practiced medicine for twenty-five (25) years.

He surrendered his DEA for violations regarding record keeping laws. The US Attorney's office did not pursue criminal charges.

He paid a fifty-thousand (\$50,000) fine for the violations.

In the investigation, it was found that his office manager was diverting large amounts of controlled substances. Jennifer McDonald was his office manager and she admitted to diverting the drugs for her husband's use as he was addicted to them.

His record keeping issues were in part that he didn't keep track of controlled substances that were destroyed. He indicated he never plans on having controlled substances in his office again, he only wants to practice.

Respondent Exhibits:

- 1 – copy of his website
- 2 – employer list he takes care of
- 3 – settlement agreement with US Dept of Justice of civil case on record
- 4 – Picture of cabinet
- 5 – copy of daily medicine count sheet
- 6 – list of medication counts
- 7 – 2013 listing of medications dispensed
- 8 – copy of order form
- 9 – list of medications disposed of
- 10 – affidavit of Anay Curiel
- 11 – affidavit of Vanessa Vazouez
- 12 – affidavit of Tammy Collier
- 13 – affidavit of Kristen Stricklane
- 14 – list of patients/medications dispensed and medical staff authorizations for 2014-2015

After having considered the evidence presented and taking official notice of its file in this matter the Board move to APPROVE Dr. Collier's controlled substance registration on INDEFINITE PROBATION with terms and conditions.

Wall/no second
Motion fails

After further discussion, the Board moved to DENY Dr. Collier's request to reinstate his controlled substances registration.

Fanning/Balla, 5/0/0
Motion carries

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

Atiman Damodaran, M.D., License No. 01028450B, Cause No. 2015 IBP 0035

Respondent did appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

The Respondent has complied with all the terms of his Probationary Order.

He has not completed any continuing education since 2015 and closed his office so he hasn't done any record keeping since that time. He also hasn't worked as a physician since that time.

He indicated he wants to be a hospitalist.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the WITHDRAWAL of PROBATION, but with the stipulation he can only have schedules 3,3N,4,and 5.

Fanning/Balla, 5/0/0
Motion carries

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

Paul Elmer, R.Ph., License No. 26013086A, Cause No. 2017 IBP 0041

Respondent did not appear in person and was represented by counsel, David McNamar regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Mr. Weber informed the Board that none of the circumstances have changed and he requests that the summary suspension be extended for an additional ninety (90) days.

Mr. McNamer responded that he has filed with the Court of Appeals.

States Exhibits:

Mr. Weber indicated that these are not new exhibits, but he is entering them again.

States Exhibits:

A – Copy of Federal Indictment

B – Letter from HHS to the Board of Pharmacy

C – Press release regarding the indictment of Mr. Elmer

D – Voluntary recall notice by Pharmakon

E – FDA press release from April 2016 regarding use of Pharmakon products

F – FDA inspection report

G – Warning letter from HHS to Pharmakon

H – FDA inspection report (April 2014)

I – FDA inspection report

Mr. Weber indicated the criminal case has been set for a hearing.

After having considered the evidence presented and taking official notice of its file 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:
Donna Wall, Del Fanning, Winnie Landis, Matt Balla, Mark Smosna
The following board members voted nay: none
The following board members abstained: none

**Indiana University Purdue University Indianapolis, Dept of
Psychology/Christopher Lapish, License No. 61100939B, Cause No. 2017 IBP
0070**

Respondent did 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 Sherri Rutledge with Rutledge Independent Reporting.

Mr. Lapish indicated he needs to have the CSR for research purposes.

He has had the CSR for seven (7) years without incident. He had a DUI back in 2003.

The Manager Maureen Tim and he are the ones that will have access to the controlled substances. They have safeguards in place for access to the controlled substances.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE the Indiana University Purdue University Indianapolis, Dept of Psychology/Christopher Lapish's controlled substances registration.

Smosna/Fanning, 5/0/0
Motion carries

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

Craig Johnson, D.O., License No. 02002070B, Cause No. 2017 IBP 0092

Respondent did appear in person and was represented by counsel, Brian Betner 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 Sherri Rutledge with Rutledge Independent Reporting.

Dr. Johnson previously held two (2) DEA permits, one for his practice and one for his hospice practice.

He had a fallout with his partner in his practice and then left and became a hospitalist. He retained his hospice practice DEA with no restrictions and surrendered his practice DEA due to two (2) counts of diversion by his office staff; and two (2) cases of poor record keeping.

He has since resigned his position as the Hospice Director.

His former partner had called DEA and reported that Dr. Johnson had prescribed controlled substances for his family and friends. He stated he did not, but that he did prescribe antibiotics and blood pressure medications for them.

He then signed an MOU with DEA, but the DEA Supervisor never signed it. He was informed that since the Supervisor didn't sign it there wasn't an MOU in effect.

He sees patients in the hospital and nursing homes.

Respondent Exhibit B

- Curriculum Vitae
- Letter of reference/recommendation from Keith Landry, M.D.
- Letter of reference/recommendation from Nawar Mercho, M.D.

- Certificate of CME credit re: Web-treatment of pain & addiction utilizing education and proper prescribing: The New Paradigm (12/22/17)
- CME: Identifying the warning signs of Non-Compliance and abusive patients presented on March 3, 2017 at Putnam County Hospital
- Current DEA Registration renewed on December 15, 2017 (effective through 12/31/2020)

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Dr. Johnson's controlled substances registration renewal.

Smosna/Balla, 5/0/0
Motion carries

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

Tonya Johnson, Ph.T. License No. 67016382A, Cause No. 2017 IBP 0084

Respondent did appear in person and was not represented by counsel regarding a Disciplinary 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 Sherri Rutledge with Rutledge Independent Reporting.

Ms. Johnson was upset with her employer for not getting raises or respect from her employer and fellow associates. So she devised a plan to make it look like a prescription had gone missing by putting the prescription in an unlabeled bag and the prescription itself did not contain a label. The bottle contained 180 oxycodone tablets. She stated that she never meant for them to leave the store and isn't sure how it happened.

States Exhibits:

- A – Report from CVS loss prevention
- B – Report from DEA on interview with Ms. Johnson

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION for a period of one (1) year with terms and conditions.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Donna Wall, Del Fanning, Winnie Landis, Matt Balla, Mark Smosna

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 Jessica Krug, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Ms. Krug informed the Board that the criminal charges are still pending at this time.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for a period of ninety (90) days.

Fanning/Wall, 5/0/0
Motion carries

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

Nicholas Martin, Ph.T., License No. 67025489A, Cause No. 2017 IBP 0087

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 Sherri Rutledge with Rutledge Independent Reporting.

A settlement agreement between the Respondent and the Attorney General's office was presented to the Board. The settlement agreement included an EXTENSION of the SUMMARY SUSPENSION for a period of ninety (90) days up to and including May 12, 2018.

After reviewing the settlement agreement and taking their file into consideration the Board moved to APPROVE the settlement agreement.

Fanning/Wall, 5/0/0
Motion carries

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

Dana McClanahan, Ph.T., License No. 67021656A, Cause No. 2018 IBP 0004

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

The Respondent is currently incarcerated at this time.

States Exhibits:

A – copy of criminal record

B – copy of letter from Wal-Mart terminating the Respondent

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days.

Fanning/Smosna, 5/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Melissa Moore, Ph.T., License No. 67029291A, Cause No. 2017 IBP 0086

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 Sherri Rutledge with Rutledge Independent Reporting.

Mr. Eldridge informed the Board that nothing has changed in this matter, the criminal charges are still pending.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for a period of ninety (90) days.

Fanning/Smosna, 5/0/0
Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

Randi Pratt, Ph.T., License No. 67013344A, Cause No. 2017 IBP 0008

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 Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

The circumstances in this matter have not changed, the criminal charges are still pending.

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

Smosna/Wall, 5/0/0
Motion carries

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

Robert Richey, Jr., M.D., License No. 01023980B, Cause No. 2017 IBP 0093

Respondent did 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 Roxanne Hilton, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Let the record reflect that Matt Balla recused himself from this matter and left the room.

Dr. Richey informed the Board that on July 19, 2017 he surrendered his DEA for prescribing an excessive number of controlled substances as well as bad combinations of controlled substances.

He stated he has not taken any CEU's regarding the prescribing of controlled substances.

Respondent Exhibit 1:

- Notice of hearing before Pharmacy Board
- Voluntarily surrender of DEA
- Notice of automatic suspension of CSR privileges
- Letter to Jody Edens
- PLA active MD/DO renewal form

- Letter to Debbie Frye, Executive Director
- Notice to appear before the Pharmacy Board
- Verification of Physicians license
- Notice of rejection as a participant in Anthem

States Exhibit A – Record of prescriptions from Solutions Pharmacy

The state submitted a copy of Dr. Richey's inspect report, which was 53 pages long and included 484 benzos.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REINSTATE Dr. Richey's CSR on INDEFINITE PROBATION for one (1) year with only schedule 5 with terms and conditions.

Wall/Smosna, 4/0/0
Motion carries

The following board members voted aye:
Donna Wall, Del Fanning, Winnie Landis, Mark Smosna
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 Jessica Krug, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Ms. Krug indicated that the criminal trial is still pending and the circumstances have not changed.

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

Fanning/Balla, 5/0/0
Motion carries

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

Josue Villalta, M.D., License No. 01029614B, Cause No. 2017 IBP 0090

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 Sherri Rutledge with Rutledge Independent Reporting.

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

Balla/Wall, 5/0/0
Motion carries

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

Janice Wilson, R.Ph., License No. 26015287A, Cause No. 2017 IBP 0085

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The States of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

After reviewing the settlement agreement and taking its file into consideration the Board moved to APPROVE the settlement agreement.

Smosna/Fanning, 5/0/0
Motion carries

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

Tracy Bair, P.T.I.T., License No. 99076130A, Cause No. 2017 IBP 0007

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default & Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Whitney Cooper, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

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

Fanning/Smosna, 5/0/0
Motion carries

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

Ms. Bair admitted in a voluntary statement that while employed at Meijer on six different days, she took and consumed multiple C2 narcotics while continuing to work her shift.

In Allen Superior Court 4 she pled guilty to the following:

- Possession of a Narcotic Drug – Felony 6
- Conversion – Misdemeanor

The court placed her on active adult probation for a period of two (2) years.

States Exhibit:

- 1 – Copy of Ms. Bairs statement
- 2 – Affidavit for probable cause/court documents

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Fanning/Balla, 5/0/0
Motion carries

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

Kathryn Bearss (formally Wroblewski), Ph.T., License No. 67003506A, Cause No. 2004 IBP 0033

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Dismissal 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 Sherri Rutledge with Rutledge Independent Reporting.

Ms. Bearss' license is currently on Indefinite Suspension. She requested to have the license reinstated but has not appeared for the scheduled hearings nor has she responded at this time.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to DISMISS the request for reinstatement.

Wall/Balla, 5/0/0
Motion carries

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

Tri-Coast Pharmacy, License No. 64001261A, Cause No. 2017 IBP 0038

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default & Disciplinary 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 Sherri Rutledge with Rutledge Independent Reporting.

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

Balla/Smosna, 5/0/0
Motion carries

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

The Respondent's license in Florida was placed on summary suspension. They have now relinquished their license in Florida.

States Exhibits:

- A – Copy of Summary Suspension order in Florida
- B- Copy of Final Order in Florida

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Fanning/Smosna, 5/0/0
Motion carries

DISCUSSION

INSPECT Report – Kara Slusser, Inspect Director:

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

INSPECT Integration Initiative

- Community Health Systems has launched the INSPECT integration in each of their facilities. This is the first hospital in our State to go live under the statewide INSPECT Integration Initiative.
- 13 of IU Health's 14 pharmacy locations went live last week. We are working with the vendor that is contracted with IU Health Arnett to deploy the integrated solution in their pharmacy soon.
- We are working with our vendor to deploy the integration in Deaconess' affiliate hospitals, such as Good Samaritan.

Staff Update

- Our Director of Operations, Amanda Garrett, accepted a new position. Her last day was Friday, December 22nd.
- Peter Wallace has joined the INSPECT team as our Database Analyst Associate.

Zaneta Nunnally – Compliance Director – Report:

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

Zaneta Nunnally reported the following:

- 108 inspections were performed for the month of November
 - 38 Pharmacies
 - 16 Home Medical Equipment Facilities
 - 54 Controlled Substance Registrations
- 10 deficiencies were found
- 6 consumer complaints filed
- There were two (2) robberies for the month of December

The Board thanked Ms. Nunnally for her report.

Mark Newell, MBA, Deputy Director, State Psychiatric Hospitals, FSSA – Approval of EDS:

The Board reviewed Mr. Newell's proposed EDS system.