

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

Minutes of January 9, 2023

Mark Smosna, R.Ph., President, called the meeting to order at 8:34 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
Jason Jablonski, R.Ph., Member – Arrived 9:15a
Winnie Landis, R.Ph., Member
Steve Anderson, R.Ph., Member

Members Absent:

Matt Balla, R.Ph., Member

PLA Staff Present:

Alyssa Servies, MPH, JD
Christine Cowdin

Advisory Counsel:

Leif Johnson, J.D.

Lindy Meyer – Court reporter

The Board voted to adopt the amended agenda.

Landis/Bunton 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Mark Bunton,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Adoption of Minutes

June 13, 2022 – move to approve Bunton/Landis 4-0-0

Election of Officers

The following were voted into office by roll call for a one (1) year term beginning February 1, 2023

Nomination President: Bunton (accepts) Anderson/Smosna 5-0-0

Nomination Vice President: Jason Jablonski (accepts) Smosna/Anderson 5-0-0

- Mark Bunton, R.Ph., President
- Jason Jablonski, R.Ph., Vice President

Full Board Appearances

DRX Pharmacy Management System Presentation:

Cloud based system

Going into Healthnet Pharmacy in Indiana

Started in NY, now in 20+ states. Never had an issue in other states.

The Board voted to approve.

Bunton/Anderson 4-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Mark Bunton,

Geist Pharmacy – Pharmacy Initial Application – Positive Response:

Mahmoud Khattab, RPh, owner, appeared on behalf of this matter without counsel.

Owner of new pharmacy, pharmacist license currently on probation.

Former employer, CVS signed probation order. Quit CVS to start new pharmacy.

Partner is a businessman, not pharmacist, does not own any other pharmacies.

1 tech hired, plan to hire another tech. He will be main pharmacist, will have another.

Board moves to APPROVE application after favorable inspection.

Landis/Anderson 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Mark Bunton,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

Indiana Pain Centers – Evansville – Change of Ownership CSR application – Current license (6110185B) on probation:

Amy Rice, new CEO, appeared on behalf of this matter. Indiana Pain Centers is currently on probation for multiple issues. There were a few owners and now the Indiana Pain Consortium took ownership starting 1/1/2023. A new license number will be issued based on the change of ownership.

New owners aware of probation

Board votes to APPROVE Change of Ownership application.

Bunton/Landis 4-0-0
Motion carries

The following board members voted aye:
Mark Smosna, Mark Bunton,
Winnie Landis, and Steve Anderson
The following board members objected: none
The following board members abstained: none

After Action Medical and Dental Supply, LLC – 48002452A – WDD Renewal- Provisional license, no DDA (formerly VAWD) provided:

Jerry Aytes, owner, and Terri Aytes, VP, appeared on behalf of this matter.

Extension of provisional license. Business located in Indianapolis and operational but are waiting for a new inspection from NABP. Building a new location in Camby. There will not be any controlleds on the premises, only lidocaine, flu shots, and medical equipment.

The Board APPROVES extension of provisional license for twelve (12) months.

Landis/Bunton 4-0-0.
Motion carries

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

Darren Covington – Indiana Pharmacists Association – 2023 Legislative Update

Darren Covington and Veronica Vernon – preview of 2023 legislative agenda

SB 152 – Medicaid reimbursement for clinical pharmacists

Unknown bill number – pharmacist prescribing of birth control (likely rulemaking w/ IDOH for protocol)

Unknown bill number – PREP act is likely expiring. Introducing a bill for pharmacist vaccinations.

Unknown bill number – elevating the role of technicians. Allow any PTCB or Except certified to be able to perform “advanced” tech duties.

Unknown bill number (Clere) – increasing test & treat availability for pharmacists

Unknown bill number – PBM management

Personal Appearances

The following did not show for their scheduled personal appearance:

Gohar Qadeer, R.Ph., - MPJE Repeat Exam App

Sydney Stillwell, Tech/Tech in Training Initial Application – Positive Response

The following requested their personal appearance be continued:

Kally Grice, Tech/Tech in Training Initial App – Positive Response

Joyce (Grandstaff) Myers, Tech/Tech in Training Initial App – Positive Response:

Myers appeared in person with Joey Dyer, Indianapolis Healthcare Supervisor, regarding a positive response on a pharmacy technician/tech in training application. She has been working for five years at Walgreens in a customer service role. She has not had any issues. She has multiple criminal matters that were all dismissed. She tried to go to the Bowen Center to get an addictionology report, but they did not understand what she needed. She did go to a few AA/NA meetings. She was unable to locate an addictionology report.

Board votes to APPROVE issuance of pharmacy tech in training permit.

Landis/Bunton, 5-0-0

Motion carries

The following board members voted aye:

Mark Smosna, Mark Bunton, Jason Jablonski,

Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

Aaron Smith, Tech/Tech in Training Initial App – Positive Response:

Aaron Smith appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application. He completed his assessment and paid all his court fees. His formal criminal probation ends next month. Currently working for CVS.

Board votes to APPROVE application.

Landis/Jablonski 5-0-0
Motion carries

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

Jordan Lewis, Tech/Tech in Training Initial App – Positive Response:

Jordan Lewis appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

Entered a pre-trial diversion (PTD) program in 2021 after an OWI, he is still involved with his PTD program. He also violated a protective order against his ex-wife after making a phone call. He received his second OWI in August 2022. Voluntarily submitted himself to Landmark Recovery where he completed 40 days in the residential treatment center. He also decided to do the outpatient rehab program with Landmark Recovery, which lasts around a year. He is also on criminal probation until November 2023. Currently working at Walgreens as a store manager, which includes some supervision of the pharmacy. Walgreens is aware of his criminal matters. Sobriety date: 8.25.2022.

Board voted to APPROVE issuance of license ON PROBATION with terms and conditions.

Jason/Landis 5-0-0
Motion carries

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

Avinash Maun, Tech/Tech in Training Initial App – Age Waiver:

Avinash Maun appeared in person and was not represented by counsel regarding an age waiver for a pharmacy technician/tech in training application. He does not graduate high school until 2025 and his plan is to apply at the pharmacy program at Purdue. He has been working at a pharmacy in Carmel and is now working for Dr. Aziz. He needs to go through the technician training program through Dr. Aziz. His mentor is teaching him all kinds of tasks around the office. Maun has been entering information into the computer system.

Board votes to APPROVE the tech in training permit with an expiration date of 6/30/2025 with the condition that he should complete the training program within the first twelve (12) months.

Landis/Bunton 4-1-0
Motion carries

The following board members voted aye:

Mark Smosna, Mark Bunton,
Winnie Landis, and Steve Anderson

The following board members objected: Jason Jablonski

The following board members abstained: none

Jacob Galloway, 67032434A - Renewal App – Positive Response:

Jacob Galloway appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training renewal application. He voluntarily started treatment for a substance use disorder last year and he is currently sober. He is looking for a job as a pharmacy technician right now and is PTCB certified. There are no criminal matters pending. He is looking for a sponsor through AA and is trying to re-enroll in therapy. He was previously working at Eskenazi.

The Board voted to RENEW his license free and clear.

Anderson/Jablonski 5-0-0
Motion carries

The following board members voted aye:

Mark Smosna, Mark Bunton, Jason Jablonski,
Winnie Landis, and Steve Anderson

The following board members objected: none

The following board members abstained: none

Daniel Amoh, R.Ph., - MPJE Repeat Exam App:

Daniel Amoh appeared before the Board and discussed his/her studying habits with the Board. He's been working every day on his temporary license at CVS. Currently licensed in Texas and Ohio. The Board recommended a study resource.

Let the record reflect that Mark Bunton explained that they are both employed with CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating.

After discussion, the Board moved to APPROVE Amoh's repeat exam application.

Landis/Jablonski 5-0-0
Motion carries

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

Sierra Midkiff, R.Ph., - NAPLEX Repeat Exam App:

Sierra Midkiff appeared before the Board and discussed his/her studying habits with the Board. She attended Sullivan University. Just got a position with CVS as a technician until she's licensed. She was dismissed from her residency program which gives her more time to study.

Let the record reflect that Mark Bunton explained that they are both employed with CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating.

After discussion, the Board moved to APPROVE Midkiff's repeat exam application.

Landis/Jablonski, 5-0-0
Motion carries

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

Dylan White, R.Ph., - NAPLEX Repeat Exam App:

Dylan White appeared before the Board and discussed his/her studying habits with the Board. He attended Sullivan University. Just got a position with CVS as a technician until he's licensed. The college gave him an Rx Prep book, but he feels like he needs additional resources and more time to study.

Let the record reflect that Mark Bunton explained that they are both employed with CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating.

After discussion, the Board moved to APPROVE White's repeat exam application.

Landis/Jablonski, 5-0-0
Motion carries
Motion carries

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

ADMINISTRATIVE HEARINGS

Nicolas David Brown, Ph.T., License No. 67034928A, Cause No. 2022 IBP 0030

Respondent did not appear and was not represented by counsel regarding a Summary Suspension Extension/Renewal and NOPD scheduled before the Board. The State of Indiana was represented by Regan Perrodin, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer.

Witness(es): Rodney Crawford, OAG Investigator

Exhibit(s): State's Exhibit A – Criminal History Documents

Board voted to hold Respondent in Default and move forward with Complaint.

Jablonski/Bunton 5-0-0
Motion carries

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

Board voted to REVOKE the license of Nicolas David Brown.

Landis/Jablonski 5-0-0
Motion carries

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

Board voted to VACATE the Summary Suspension hearing.

Landis/Jablonski 5-0-0
Motion carries

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

Nicholas Ryan Boggs, Pharmacy Intern, License No. 45023211A, Cause No. 2022 IBP 0005

Respondent appeared in person and was not represented by counsel regarding a request to Withdraw Probation scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services.

Witness(es): None

Exhibit(s): Respondent's Exhibit A – Order Dismissing Criminal Matter

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 WITHDRAW the Order of Probation.

Landis/Jablonski, 5-0-0
Motion carries

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

Sherry Witham, Pharmacy Tech in Training, License No. 99065249A, Cause No. 2014 IBP 0093

Respondent appeared in person and was not represented by counsel regarding a request to Withdraw Probation scheduled before the Board. The State of Indiana was not represented, and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services.

Witness(es): None

Exhibit(s): 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 WITHDRAW the Order of Probation.

Jablonski/Anderson, 5-0-0
Motion carries

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

Ethel Bubu, R.Ph., License No. 26020680A, Cause No. 2022 IBP 0050

Respondent did not appear in person and was not represented by counsel regarding an Administrative Complaint scheduled before the Board. The State of Indiana was represented in this matter by Alex James, and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services.

Exhibit(s): None

Witness(es): None

The state requested a new NOPD be issued since PLA was recently informed of the new address.

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 issue a NOTICE of PROPOSED DEFAULT.

Landis/Jablonski 5-0-0
Motion carries

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

Chelsey Ann Kennett, PhT., License No. 67019147A, Cause No. 2022 IBP 0059

Respondent did not appear and was not represented by counsel regarding a Petition for Summary Suspension Agreement scheduled before the Board. The State of Indiana was represented by Rebekah Hammond, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer.

Exhibit(s): None

Witness(es): None

After reviewing the voluntary summary suspension agreement, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to ACCEPT the Voluntary Summary Suspension Agreement and suspend the license for ninety (90) days.

Landis/Jablonski, 4-0-0
Motion carries
Bunton recused

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

Jessica Bollhoefer, Pharmacy Tech in training, License No. 99103561A, Cause No. 2022 IBP 0056

Respondent did not appear and was not represented by counsel regarding a Default Hearing scheduled before the Board. The State of Indiana was represented by AJ Holbrook, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer with Accurate Reporting Services.

Witness(es): None

Exhibit(s): Petitioner's Exhibit A – Employee Records
Petitioner's Exhibit B – CVS Letter
Petitioner's Exhibit C – DEA 106 Form

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

Jablonski/Anderson 5-0-0
Motion carries

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

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

Jablonski/Anderson 5-0-0
Motion carries

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

Edge Pharma, LLC, License No. 48002400A, Cause No. 2022 IBP 0053

Respondent did not appear and was not represented by counsel regarding a Default Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer with Accurate Reporting Services.

Witness(es): Brittany Snow, OAG Investigator
Exhibit(s): Petitioner's Exhibit A – Records from NABP concerning Respondent
Petitioner's Exhibit B – DOJ Notice

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

Jablonski/Anderson 5-0-0
Motion carries

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

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and order in the matter the Board moved to REVOKE the Respondent's Wholesale Drug Distributor license and positive findings of all four violations, with a fine of \$4,000, court costs, and a \$5 health records fee.

Anderson/Landis, 5-0-0
Motion carries

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

DISCUSSION

Board Director's Report - Not presented

OAG Report – Presented by DAG, Ryan Eldridge

INSPECT Report – Not presented

Compliance Director Report – Presented by Director, Zaneta Nunnally and Compliance Officer, Tim Thomas.

Rule Making

Emergency Rule on Methiopropamine
Board voted to adopt the emergency rule
Bunton/Anderson 5-0-0

Prehearing Settlement Conference Scheduling

Aly requests board members to send availability to do remote (WebEx) settlement conferences for the next 8 weeks or so.

There being no further business the Board ADJOURNED at 12:28p.m.