

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

**MINUTES OF FEBRUARY 12, 2018**

Winnie Landis, R.Ph., Vice President, called the meeting to order at 9:00 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., President  
Del Fanning, R.Ph., Member  
Matt Balla, R.Ph., Member  
Mark Smosna, R.Ph., Vice President  
Steve Anderson, R.Ph., Member

Members Absent: 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.

Balla/Smosna, 5/0/0  
Motion carried

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

The Board voted to adopt the January 8, 2018 minutes.

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

### **FULL BOARD APPEARANCES**

#### **Kuehn & Nagel Inc – Wholesale Drug Distributor App – Provisional License**

##### **Request:**

Scott Evans appeared on behalf of this matter. Mr. Evans indicated that Kuehn & Nagel have two (2) separate locations in Plainfield Indiana that they need a provisional license for as VAWD can't come in to do their review until they have product.

After discussion, the Board moved to APPROVE a Provisional license for both Kuehn & Nagel's locations.

Anderson/Smosna, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

#### **Estil Caton, R.Ph., Probationary Appearance:**

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

Scott Kaczynski with PRN appeared with Mr. Caton. Zaneta Nunnally, Compliance Director also appeared regarding this matter.

Mr. Caton indicated that he had no issues with the paperwork he turned in today during his probationary appearance. He indicated that Tim Thomas, Compliance Officer assisted him with a schedule of when things were due.

Scott indicated Mr. Caton has no issues with PRN.

The Board thanked Mr. Caton for his appearance and reinforced how important it is for him to turn in his documents in a timely manner.

### **PROBATIONARY APPEARANCES**

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

The following made their probationary appearance:

Estil Caton  
Kristina Luers  
Eliabeth Sanders  
Alyna Nguyen  
Troy Martin  
CVS Pharmacy #6648

Ms. Nunnally indicated that Sara Lunsford did not show for her scheduled appearance and that she would reach out to her for her to appear next month.

### **PERSONAL APPEARANCES**

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

- Complete Pharmacy & Medical Solutions – 64001337A Non Resident Renewal
- University Compounding Pharmacy – 64001106A Non Resident Renewal

#### **Shayna Eck, Technician App:**

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

Ms. Eck explained that she allowed the police to come in and search her nieces' room as the niece was currently on criminal probation. The Police found marijuana in the room and since her niece didn't claim it as hers and the house was Ms. Eck's she was arrested for the marijuana.

She successfully completed a deferral program.

After discussion, the Board moved to APPROVE Ms. Eck's technician application.

Wall/Smosna, 6/0/0

The following board members voted aye:

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

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

**Mikeena Fitzgerald, Tech in Training App:**

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

In 2013, she was at a bus stop standing next to a man she rented a room from. The police approached where they were waiting and the man threw something down and took off running. The police thought she was with him so she was arrested as the items he tossed away were drugs.

She explained she wasn't with him she was just standing next to him waiting for the bus and that she rents a room from him.

She is now clear of all charges.

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

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Alexander Jackson, Technician in Training App:**

Mr. Jackson did not appear in person and was not represented by counsel regarding a positive response on his technician in training application.

This is the second time Mr. Jackson had not appeared for his scheduled appearance.

After discussion, the Board moved to DENY his technician in training application.

Wall/Anderson, 5/0/1, with Mr. Smosna abstaining

Motion carried

The following board members voted aye:

Donna Wall, Winnie Landis, Matt Balla, Del Fanning, Steve Anderson

The following board members voted nay: none

The following board members abstained: Mark Smosna

**Morgan McClintock, Technician in Training App:**

Ms. McClintock did not appear in person and was not represented by counsel regarding a positive response on her technician in training application.

This is the second time Ms. McClintock had not appeared for his scheduled appearance.

After discussion, the Board moved to DENY his technician in training application.

Wall/Anderson, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Jordan Green, Technician App:**

Mr. Green did not appear in person and was not represented by counsel regarding a positive response on his technician application.

This is the second time Mr. Green had not appeared for his scheduled appearance.

After discussion, the Board moved to DENY his technician application.

Wall/Anderson, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Risa Gethers, Pharmacist App:**

Ms. Gethers appeared before the Board regarding a positive response on her pharmacist application and was not represented by counsel.

Ms. Gethers explained to the Board that her license in Ohio is currently on probation status.

Her sobriety date is October 6, 2008. Prior to that she was self-medicating for migraines by diverting medications from her pharmacy.

She entered the Ohio PRN program in 2008.

Ohio suspended her license in 2008 and reinstated it on probation in 2010. It was suspended again for eighteen (18) months in 2011 for a positive UDS for fentanyl. She stated that she did not take anything, but her husband was on a fentanyl patch and thought maybe she somehow touched it as the amount found was very tiny.

In 2013 she was placed back on probation for an eight (8) year period.

No criminal charges resulted in this matter. She has been employed with Meijer since May 2015.

After discussion, the Board moved to APPROVE Ms. Gethers pharmacist application on INDEFINITE PROBATION with terms and conditions.

Fanning/Wall, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Gerald Reed, Pharmacist Repeat Exam App – MPJE:**

Mr. Reed appeared before the Board and discussed his studying habits with the Board.

After discussion, the Board moved to APPROVE Mr. Reed's request to retake the MPJE.

Fanning/Wall, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Michael Holford, Tech in Training App:**

Mr. Holford appeared before the Board regarding a positive response on his technician in training application and was not represented by counsel.

Mr. Holford's sobriety date is 2013.

He obtained another DUI in 2005, a class D Felony. He pled guilty in 2011 and received three (3) years confinement with the Indiana Department of Corrections, with two (2) years suspended and 1 year criminal probation. In 2011 he violated the probation and received six (6) months in Madison County Jail. Once the probation was completed the charge was dropped to a class A Misdemeanor.

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

Fanning/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Collin Baker, Intern Permit Renewal:**

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

Let the record reflect that Winnie Landis recused herself from this matter and left the room.

Mr. Collin originally appeared before the Board in December 2017.

Minutes from his appearance are as follows:

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

*Let the record reflect that Winnie Landis recused herself from this matter and left the room.*

*Mr. Baker received an OWI this past March. He was driving and drifted off the road and disabled his car.*

*Police saw him and stopped and saw he was visibly impaired and arrested him.*

*The toxicology report indicated he had Marijuana in his system.*

*His court date is scheduled for the end of December 2017. He indicated to the Board that he has only smoked Marijuana one time. He also has ongoing treatments for depression.*

*He is enrolled in the Pharmacy program at Purdue University.*

*After discussion, the Board moved to TABLE Mr. Baker's intern permit renewal for an addictionology evaluation; a letter from his treating Physician regarding how he is doing with his depression and updated court documents regarding the December court appearance.*

Mr. Baker though his evaluator sent the addictionology evaluation to staff, but staff had not received it. At this point the Board TABLED the application for Mr. Baker to get a copy of the evaluation.

The Board resumed this matter later in the day. Let the record reflect that Winnie Landis recused herself from this matter and left the room.

Mr. Baker submitted a copy of his addictionology evaluation to the Board.

After discussion, the Board moved to APPROVE Mr. Baker's intern permit renewal.

Wall/Balla, 5/0/1

Motion carried

The following board members voted aye:

Donna Wall, Matt Balla, Del Fanning, Steve Anderson, Mark Smosna

The following board members voted nay: none

The following board members abstained: Winnie Landis

**Summit City Pharmacy, 60006518A Pharmacy Renewal:**

Bryan Meriwether did appear in person and was not represented by counsel regarding a positive response on the facility license renewal.

Mr. Meriwether indicated that Brent Losier is still half (1/2) owner of Summit City Pharmacy, but he has no decision making powers and does not work there.

After discussion, the Board moved to APPROVE Summit City Pharmacy's license renewal.

Fanning/Wall, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Express Scripts, Inc., 64000093A Non Resident Renewal:**

Richard Palombo and Doug Lime appeared in person and was represented by counsel, Ed Ricker, J.D., regarding a positive response on the facility license renewal.

The State of Mississippi took action on their facility license based upon the settlement agreement they had with the State of Oregon. Indiana has previously reviewed the Oregon agreement and approved the renewal at that time.

They have one final report due to the Oregon Board in May 2018.

After discussion, the Board moved to APPROVE Express Scripts' license renewal.

Wall/Smosna, 6/0/0

Motion carried

The following board members voted aye:

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



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

**Express Scripts, Inc., 64001569A Non Resident Renewal:**

Richard Palombo and Doug Lime appeared in person and was represented by counsel, Ed Ricker, J.D., regarding a positive response on the facility license renewal.

The Pharmacist was involved with diverting opioids by removing tablets from patient filled bottles.

They found the pharmacist was doing this through video surveillance and reconciliation. She was terminated and turned into to the Ohio Board.

After discussion, the Board moved to APPROVE Express Scripts' license renewal.

Anderson/Smosna, 6/0/0

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**ESI Mail Pharmacy Service, 64000469A Non Resident Renewal:**

Richard Palombo and Doug Lime appeared in person and was represented by counsel, Ed Ricker, J.D., regarding a positive response on the facility license renewal.

The State of Mississippi took action on their facility license based upon the settlement agreement they had with the State of Oregon. Indiana has previously reviewed the Oregon agreement and approved the renewal at that time.

They have one final report due to the Oregon Board in May 2018.

After discussion, the Board moved to APPROVE Express Scripts' license renewal.

Wall/Smosna, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Pinnacle Pharmacy, 64002130A Non Resident Renewal:**

Mark Boesen, PharmD., J.D. appeared in person and was represented by counsel Allyson Snow, J.D. regarding a positive response on the facility license renewal.

A pharmacist employed with Pinnacle Pharmacy has a substance abuse issue. The Arizona Board allowed her to continue to practice as long as she was enrolled and compliant with their PAPA Program for impaired pharmacists.

After enrolling in the program, the pharmacist relapsed with alcohol and did a thirty (30) day in-patient program. She is currently in a good place in her recovery and is an exemplary employee. She is still employed with Pinnacle Pharmacy.

After discussion, the Board moved to APPROVE Pinnacle Pharmacy's license renewal.

Smosna/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

### **ADMINISTRATIVE HEARINGS**

The following administrative hearings were continued:

- **Susan Adams-Hayes, APN, License No. 71001514B, Cause No. 2017 IBP 0105**
- **Michael Porvaznik, M.D., License No. 01060166B, Cause No. 2017 IBP 0102**
- **Charles Ringger, R.Ph., License No. 26012961A, Cause No. 2017 IBP 0049**

#### **Jerry Benefield, M.D., License No. 01056286B, Cause No. 2017 IBP 0104**

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause – CSR Renewal 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.

Dr. Benefield explained that he was the founder and President of MD to You an organization that did home care for the elderly. He employed and worked with many Nurse Practitioners. They ordered all drugs under his license number.

The Department of Justice (DOJ) did an investigation and their report indicated he was engaged in over-billing for home visits. It also showed that one of his employees charted long timeframes on visits when in fact the visits were very short. He eventually entered into a settlement agreement with DOJ. They indicated he owed over 21 million

and the settlement agreement between him and the DOJ was for 3.5 million. He indicated that from the sale of the business he has satisfied the payment to the DOJ.

His DEA is currently active. He is excluded from Medicaid in Kentucky. He stated he didn't know where his Medicaid in Indiana stood.

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

Wall/Anderson, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Matthew Bezy, R.Ph., License No. 26026502A, Cause No. 2017 IBP 0010**

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.

There have been no changes in circumstances.

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.

Anderson/Fanning, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Tamara Brugh, Ph.T., License No. 67031284A, Cause No. 2017 IBP 0096**

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

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.

Wall/Smosna, 6/0/0

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Jennifer Coy, Ph.T., License No. 67012615A, Cause No. 2017 IBP 0071**

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

Mr. Weber stated that a complaint has been filed with the Board and that they are working on a settlement agreement.

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/Anderson, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Katie Fisher, Ph.T., License No. 67025832A, Cause No. 2017 IBP 0056**

Respondent did not appear in persona and was not represented by counsel regarding an Extension of Summary Suspension 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.

States Exhibit:

D – Charging information from February arrest

C – Charging information from July arrest

She was charged in February with the following:

- Count 1 – Possession of Methamphetamine, a level 6 Felony
- Count 2 – Unlawful Possession of Syringe, a level 6 Felony

- Court 3 – Theft, a class A Misdemeanor

She was charged in July with the following:

- Count 1 – Theft, a level 6 Felony

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/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Hendricks Regional Health, License No. 60002213B, Cause No. 2017 IBP 0103**

Respondent did appear in person and was represented by counsel, Brian Jent regarding an Order to Show Cause – CSR Renewal 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.

Lauren Vittetoe, R.Ph., Director of Pharmacy appeared on behalf of Hendricks Regional Health. She has been in this position since June 2016, after the diversion happened.

In May 2016 a Nurse at Hendricks Regional Health diverted Hydromorphone.

Ms. Vittetoe explained the changes they have put into place since this incident happened.

Respondents Exhibits:

- 1 – Work plan
- 2 – Sample dispensing practices report
- 3 – Medication safety report with controlled substances

Ms. Vittetoe indicated they now do the dispensing practices report, this was something they did not do prior to the diversion.

The facility's DEA is active.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to APPROVE Hendricks Regional Health's CSR renewal.

Fanning/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Kimberly Herrell-Stone, Ph.T., License No. 67029799A, Cause No. 2017 IBP 0094**

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.

Ms. Oliver informed the Board that she is trying to get the court documents so she can file the administrative complaint with the Board.

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/Fanning, 5/0/1 with Mr. Smosna abstaining

Motion carried

The following board members voted aye:

Donna Wall, Winnie Landis, Matt Balla, Del Fanning, Steve Anderson

The following board members voted nay: none

The following board members abstained: Mark Smosna

**Lincare, License No. 60004891A, Cause No. 2017 IBP 0058**

Respondent did not appear in person and was represented by counsel, James Bell 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.

A settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The settlement agreement included a LETTER OF REPRIMAND and a \$5,000 FINE with terms and conditions.

After reviewing the settlement agreement and taking official notice of its file in this matter the Board moved to APPROVE the settlement agreement.

Fanning/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Michael Love, M.D., License No. 01048505B, Cause No. 2016 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 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 a period of ninety (90) days.

After reviewing the settlement agreement and taking official notice of its file in this matter the Board moved to APPROVE the settlement agreement.

Fanning/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Jude Olesh, R.Ph.I., License No. 45020302A, Cause No. 2017 IBP 0097**

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 Roxanne Hilton, 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 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.

Balla/Fanning, 5/0/1 with Mr. Smosna abstaining

Motion carried

The following board members voted aye:

Donna Wall, Winnie Landis, Matt Balla, Del Fanning, Steve Anderson

The following board members voted nay: none

The following board members abstained: Mark Smosna

**Lisa Polazzi, D.V.M., License No. 24005863A, Cause No. 24005863A**

Respondent did appear in person and was not represented by counsel regarding an Order to Show Cause – CSR Renewal 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.

Dr. Polazzi stated that in June 2017 they found there were drugs missing and she immediately brought in the police.

After an investigation she found that her office manager had been diverting tramadol for approximately two (2) years.

She scheduled a meeting with her office manager and on the day they were to meet the office manager took an entire bottle of tramadol and put it in her purse. One of her other employees saw and took the medication from the purse and locked it back up in the cabinet.

DEA also came in and did an audit and found that there were other drugs ordered in Dr. Polazzi's name that she didn't approve. DEA also found other procedures that weren't being followed. Dr. Polazzi worked with them and has new procedures she has put in place.

There were 19,000 tramadol and 1600 hydrocodone tablets missing.

Respondents Exhibit:

1 – Controlled drug loss prevention and dispensing guidelines.

Her veterinary license has been renewed to active status.

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

Balla/Smosna, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none



**Reid Hospital & Health Care Services, Inc., License No. 60001281B, Cause No. 2017 IBP 0101**

Respondent did appear in person and was represented by counsel, Drew Houck regarding an Order to Show Cause – CSR Renewal 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.

Mary Reeder, J.D., Reid Hospital General Counsel; Brad Hester, R.Ph., Director of Pharmacy and Ben Austerman were all present on behalf of Reid Hospital.

A nurse was diverting hydromorphone from the omnicell machine at the hospital. It was reported by a co-worker. The Hospital took action the same day it was reported. The nurse was arrested.

During the investigation they also found a nurse in Oncology that diverted oxycodone.

Their DEA is active.

No patient care was effected from this. They have now put in new procedures at the hospital for the omnicell machines.

Respondents Exhibits:

- 1 – DEA 106
- 2 – DEA letter regarding the diversion
- 3 – Action plan
- 4 – EMS Diversion – non-employer DEA 106
- 5 – DEA 106 – Oncology nurse diversion – oxycodone
- 6 – DEA 106 – ED nurse diversion – hydromorphone/morphine and ketamine/fentanyl/midazolam HCL

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

Balla/Smosna, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Donald Rockey, M.D., License No. 01028677B, Cause No. 2017 IBP 0072**

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause – CSR Renewal 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 stated that Dr. Rockey appeared before the Board in November 2017 and the Board tabled the matter due to a term in his DEA agreement.

The DEA stated that if any discipline is issue on any license he would need to surrender his DEA. Ms. Krug spoke with DEA and they made it clear that if the Board placed Dr. Rockey's license on probation it would not affect his DEA. It would only be affected if it was a new action.

Respondents Exhibit:

1 – Letter from Dr. Rockey on why he couldn't be here today

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

Anderson/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**John Shafer, Ph.T., License No. 67029114A, Cause No. 2017 IBP 0035**

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

Linda Letherman was sworn in as a witness for the State.

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/Smosna, 6/0/0

Motion carried

The Board agreed to hear testimony.

Ms. Letherman testified that John worked for them as a pharmacy technician in 2016. John was arrested and charged with possession of drugs. The Pharmacy was contacted and they then ran an audit and found there were drugs missing.

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

Wall/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Robin Shuffitt, P.T.I.T., License No. 99078896A, Cause No. 2017 IBP 0095**

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.

The circumstances have not changed. They are working on filing an administrative complaint.

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.

Balla/Fanning, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Michelle Solomon, Ph.T., License No. 67026402A, Cause No. 2016 IBP 0096**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing 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 REVOCATION of the Respondent's license.

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

Fanning/Balla, 6/0/0

Motion carried

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

**Lori Wehr, Ph.T., License No. 67005844A, Cause No. 2017 IBP 0098**

Respondent did not appear in person and was not represented by counsel regarding a Discipline Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and Laura Isoue, 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 REVOCATION of the Respondent's license.

After reviewing the settlement agreement and taking official notice of its file in this matter the Board moved to APPROVE the settlement agreement.

Wall/Smosna, 6/0/0

Motion carries

**Hongxing Zhang, R.Ph., License No. 26021608A, Cause No. 2017 IBP 0019**

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 Roxanne Hilton, 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-one (91) days.

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

Fanning/Smosna, 6/0/0

Motion carries

The following board members voted aye:

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

The following board members voted nay: none

The following board members abstained: none

## **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., Steven Anderson, R.Ph.

#### Educational Outreach:

- In preparation for Community Health Network's go-live in March, Kara has been having meetings with their Indianapolis staff to discuss training guides for physicians who will be using the integrated solution to access INSPECT reports.

#### Legislative Update:

- The Senate Committee on Health and Provider Services met on January 17, 2018. SB 221 was on the agenda and Kara was able to testify in support of the bill; it will require physicians to register for an INSPECT account and obtain their patient's prescription history in the database before prescribing an opioid or benzodiazepine. The bill passed out of Committee 10-0.

#### NABP:

- North Carolina and Oregon are now actively participating in the NABP's PMP InterConnect.

#### AWARxE Update:

- Our IT team has completed the Virtual Private Network (VPN) connection, so we will soon have access to our data for reporting purposes again. There were a number of records that were rejected from the cloud during our post-live data migration. We'll be working to identify the issues, perform data clean-up and get these records moved onto our server.
- This week, we'll be editing the INSPECT integration initiative page to reflect the new integration request process. The request form will now be submitted automatically on line, rather than the requestor downloading the form and emailing it to the INSPECT team. Once the request is submitted, the system will email a copy of the end user license agreement to the requestor.

#### INSPECT Integration Initiative:

- There has been great feedback on the integration from Community Health Systems in Munster.