

INDIANA BOARD OF PHARMACY

Met THROUGH VIDEO and AUDIO CONFERENCING
<https://IndianaEnhanced.Webex.com/join/PLAWebex>
(240) 454-0887 and entering meeting room # 610 915 440

MINUTES OF MARCH 8, 2021

Mark Smosna, R.Ph., Vice President, called the meeting to order at 8:02 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted 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 by Telephone: Mark Smosna, R.Ph., Vice President
Mark Bunton, R.Ph., Member
Winnie Landis, R.Ph., Member
Matt Balla, R.Ph., Member
Jason Jablonski, R.Ph., Member

Member(s) Absent: Steve Anderson, R.Ph., President

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

The Board voted by roll call to adopt the agenda.

Balla/Bunton, 5/0/0
Motion carries

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

FULL BOARD APPEARANCES

Ambulance CSR Rule:

Laura Turner, J.D., Board Director shared the latest updated version of the Ambulance CSR Rule. Kraig Kenney, Director, Homeland Security is in support of the bill.

After review, the Board had concerns with Section F on page three of the bill, which reads:

(f) A registrant owned or operated by a hospital, ~~or utilizing a contracting hospital,~~ shall may also:

They indicated it should be updated to read **“A registrant owned or operated by a hospital, or utilizing a contracting Hospital may also:”**

After discussion, the Board moved to APPROVE the Ambulance CSR Rule with this minor change.

Balla/Jablonski, 5/0/0
Motion carries

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

Rich Palombo, R.Ph., D.Ph., Express Scripts/Cigna State Government Affairs – Tech Work at Home Pilot Program – Renewal:

Rich Palombo, Tera Teachout, Robin Stewart and Stephen Brodenberg all appeared telephonically on behalf of this matter.

Tera reported that the program is doing very well. All technicians are working at home due to Covid-19 and it's been very successful. They currently have 150 technicians working from home due to the Executive Order.

After discussion, the Board moved to extend the Pilot Program for Techs working at home for six (6) months.

Landis/Bunton, 5/0/0
Motion carries

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

Heather Glenn, PharmD, Network Manager, KHN Retail (Outpatient) & Specialty Pharmacy, Kettering Health Network – Non-Resident License Discussion:

Heather Glenn appeared telephonically on behalf of this matter.

She was requesting a waiver of a Non-Resident license so they could mail medication to a patient in Indiana under limited circumstances.

Ms. Landis stated that the Board has never done a waiver like this, and she believes they need to have the Non-Resident License.

After discussion, the Board indicated to Ms. Glenn that she would need a Non-Resident Facility License.

Ms. Glenn thanked the Board for their time.

Pfeiffer Prescription Services – Non Resident Change of Ownership Application – Positive Response:

No one appeared telephonically for this matter.

Right Med Pharmacy – Remote Dispensing Facility Application:

Steve Shinoest appeared telephonically for this matter.

He explained to the Board that they will be in a physician's clinic and will serve approximately sixty (60) patients a day of the clinic. The physicians are family practitioners. There will not be any walk-in patients. He also indicated the pharmacists would be visiting three (3) days per week.

After discussion, the Board moved to TABLE this matter for detailed policies and procedures, which Matt Balla will review.

Landis/Jablonski, 5/0/0
Motion carries

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

Herbst Pharmacy – Remodel/Relocation Remote Dispensing Facility Application:

Karl Clearwater appeared telephonically on behalf of this matter.

The medical building is owned by Ascension Health, they are bringing a new physician into the building. They wish to open a remote dispensing facility in the building. They would process approximately seventy (70) prescriptions per day.

He indicated that approximately fifteen percent (15%) of the patients are Amish population. That area has a very large Amish population that only use horse & buggies to travel. They indicated they will install a hitching post in front of the facility.

The technician they have chosen to work in the remote dispensing facility has twenty-five

(25) years of practice and the pharmacist will visit weekly.

After discussion, the Board moved to APPROVE the remote dispensing facility application based upon the area is a pharmacy desert and the exception to promote public health.

Landis/Bunton, 5/0/0
Motion carries

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

Medicenter Pharmacy – Connersville – Remote Dispensing Facility Application:

Eric Schreiber appeared telephonically on behalf of this matter.

They will be inside an Urgent Care Facility and estimate they will do approximately one hundred (100) prescriptions per day. They will share a parking lot with a Physician's office and will also fill their prescriptions.

After discussion, the Board moved to DENY this application as they can only fill the prescriptions of the Urgent Care Facility and not from the Physician's office.

Landis/Bunton, 5/0/0
Motion carries

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

Genoa Healthcare, LLC – Remote Dispensing Facility Application:

Frank Gordon, Director of Operations appeared telephonically for this matter.

Mr. Gordon explained that the remote dispensing facility will be in a Behavioral Health Clinic, and it will only serve the patients of the physician's offices that are in the facility.

After discussion, the Board moved to APPROVE the remote dispensing facility application.

Balla/Landis, 5/0/0
Motion carries

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

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

PERSONAL APPEARANCES

The following personal appearance(s) did not appear:

- Shan Ardesna, R.Ph. – Repeat MPJE Application
- Shelby Rogers – Technician Application – Positive Response

The following personal appearance(s) was cancelled:

- Sothea Phon-Xue, R.Ph. – Repeat MPJE Application

Ishmael Duagbor R.Ph. – Repeat MPJE Application:

Ishmael Duagbor appeared telephonically before the Board and discussed his/her studying habits with the Board.

After discussion, the Board voted by roll call to APPROVE Ishmael's MPJE repeat exam application.

Balla/Bunton, 5/0/0
Motion carries

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

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

Assad Nasr, R.Ph., License No. 26022669A – Renewal Positive Response

Assad Nasr appeared telephonically before the Board and was represented by counsel, David Hudson, regarding a positive response on his renewal application.

In June 2018, Mr. Nasr was indicted by the DEA in Kentucky. The case is still pending currently due to Covid-19.

The indictment states the following:

Assad Nasr did conspire with others to knowingly and intentionally dispense and distribute, outside the scope of professional practice and not for legitimate medical purpose a quantity of pills containing oxycodone, a schedule II-controlled substance, in violation of 21 USC 841(a)(1), all in violation of 21 U.S.C. 846.

Mr. Hudson indicated that Mr. Nasr's Kentucky license is active and clear, and that Kentucky is aware of the charges. He has renewed twice since he reported this information to the Kentucky Board.

After discussion, the Board moved to TABLE Mr. Nasr's license renewal and requested copies of his continuing education, Kentucky renewal for and information submitted with the renewals, and confirmation from Kentucky that they are aware of the charges.

Landis/Jablonski, 5/0/0
Motion carries

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

Shania Barbee-Peterson – Technician Application – Positive Response

Shania Barbee-Peterson appeared telephonically before the Board and was not represented by counsel regarding a positive response on her initial application.

In 2016 she received a Felony conviction of Battery and Intimidation. In 2017 she was arrested twice and charged with Theft and again in 2019 she was arrested and charged with Theft.

She indicated she completed anger management and parenting classes. She has nothing pending at this time.

After discussion, the Board moved to APPROVE Ms. Barbee-Peterson's application.

Landis/Balla, 5/0/0
Motion carries

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

ADMINISTRATIVE HEARINGS

The following administrative hearing was continued:

Jada Bush, R.Ph., License No. 26021412A, Cause No. 2021 IBP 0001
Lam Vo, R.Ph., License No. 260234967A, Cause No. 2020 IBP 0055

Morganne Drake, Ph.T., License No. 67024034A, Cause No. 2020 IBP 0045

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both employed by CVS and do not have knowledge of this applicant. Mr. Hart was fine with both participating.

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

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

Jablonski/Balla, 5/0/0
Motion carries

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

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

Respondent did not appear telephonically and was not represented by counsel regarding a Summary Suspension Extension scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to EXTEND the SUMMARY SUSPENSION for Ninety (90) days.

Landis/Bunton, 5/0/0
Motion carries

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

Matthew David Bezy, RPh., License No. 26026502A, Cause No. 2017 IBP 0010

Respondent appeared telephonically and was not represented by counsel regarding a

Petition to Reinstate scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both employed by CVS and do not have knowledge of this applicant. Both parties were fine with both participating.

Tye Dominguez, Case Manager, IPRP was sworn in as a witness.

Mr. Dominguez testified that Mr. Bezy was evaluated for a contract with IPRP this morning, so he does not have a diagnosis at this time. His initial drug test was negative. He has not signed an RMA at this time.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to DENY Mr. Bezy's request to reinstate and stated he needs one (1) year of compliance with IPRP.

Jablonski/Balla, 5/0/0
Motion carries

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

McKesson Drug Company, License No. 48000550A, Cause No. 2019 IBP 0041

Respondent did not appear telephonically and was represented by counsel, Randy Fearnow, regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

The Respondent's DEA was reinstated on February 26, 2021.

Respondent Exhibit:
1 – DEA Letter

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

Balla/Bunton, 5/0/0
Motion carries

The following board members voted aye by roll call:

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

Susan Schmitt, R.Ph., License No. 26026451A, Cause No. 2016 IBP 0044

Respondent appeared telephonically and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

Zaneta Nunnally, Compliance Director with Professional Licensing Agency, was sworn in as a witness.

The Respondent was convicted of an OWI in September 2015 in Ohio. She was placed on three (3) years criminal probation and had to attend a three-day alcohol class.

She has now completed the criminal probation.

Ms. Nunnally testified that the Respondent has been compliant with her order of probation.

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

Landis/Balla, 5/0/0
Motion carries

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

Sara Jill Nevil, R.N., A.P.N., CSR Application, Cause No. 2021 IBP 0012

Respondent appeared telephonically and was not represented by counsel regarding a Order to Show Cause/CSR Application 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 also appeared telephonically.

On July 11, 2016, following a reinstatement hearing before the Board, the Board approved her CSR reinstatement on Indefinite Probation. She has since let the CSR license expire.

The Board indicated, she needs to renew the existing CSR that is on indefinite probation and withdraw her application for a new CSR.

No Vote.

Gregory Scott Heumann, M.D., License No. 01048795B, Cause No, 2021 IBP 0010

Respondent appeared telephonically and was represented by counsel, Joshua Moudy regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

Dr. Heumann surrendered his DEA for cause on April 18, 2019, therefore suspending his controlled substances registration automatically by law. He surrendered his DEA due to issues with his wife filling opioid scripts without his knowledge through his practice partner.

He had a personal appearance before the Medical Board on December 5, 2019, regarding his medical license renewal. The Medical Board moved to renew his medical license, and to file a complaint with the Attorney General's Office.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to REINSTATE Dr. Heumann's CSR license.

Bunton/Balla, 5/0/0
Motion carries

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

The following board members objected: none

The following board members abstained: none

Ellyn Lohr, R.Ph., License No. 26023666A, Cause No. 2020 IBP 0025

Respondent appeared telephonically and was not represented by counsel regarding an Order to Show Cause/ Violation of Decision on Initial Application scheduled before the Board. The State of Indiana was represented by Nick Hart, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

Her sobriety date is December 31, 2019.

Tracy Traut, Program Director, IPRP was sworn in as a witness.

Ms. Traut testified that on December 1, 2020, Ms. Lohr was selected for a random drug screen. It was not complete, she said she forgot about it. She did have a blood draw the next day and that came up negative. So far, she has missed eight (8) check ins for drug

screens. On the one's she has completed they were negative.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to take NO FURTHER ACTION on this matter.

Landis/Balla, 5/0/0
Motion carries

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

Costco Pharmacy #570, License No. 64001043A, Cause No. 2020 IBP 0044

Respondent appeared telephonically and was represented by counsel, Gary Swearington regarding a Complaint/Final Hearing scheduled before the Board. The State of Indiana was represented by Erika Steuerwald, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

A proposed settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The proposed settlement agreement included a LETTER of REPRIMAND and a \$4,000 FINE.

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

Landis/Bunton, 5/0/0
Motion carries

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

Emili Hefler, Ph.T., License No. 67027455A, Cause No. 2020 IBP 0001

Respondent did not appear telephonically and was not represented by counsel regarding an Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

Let the record reflect that Winnie Landis and Mark Bunton explained that they are both employed by CVS and do not have knowledge of this applicant. Ms. Keaton was fine with both participating.

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

Balla/Jablonski, 5/0/0
Motion carries

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

Brittany Snow, Case Analyst, Attorney General's Office was sworn in as a witness.

The Respondent's license was placed on summary suspension by the Board on January 20, 2020. She was terminated from her employer, CVS, for diversion.

She was criminally charged with a Class A Misdemeanor of Theft and possession of a Controlled Substance. She diverted over 1,000 tablets.

She was sentenced to three hundred sixty-five (365) days in jail.

States Exhibits

- A – employment file
- A-1 – a section of her employment file
- A-2 – CVS letter of termination
- A-3 – DEA 106 form
- B – court documents

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

Balla/Jablonski, 5/0/0
Motion carries

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

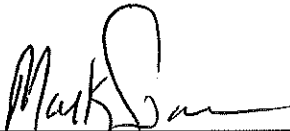
A – employment records

After reviewing the proposed settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter, the Board moved to REVOKE the Respondent's license.

Landis/Bunton, 5/0/0
Motion carries

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

There being no further business the Board adjourned at 4:15 p.m.



Mark Smosna, R.Ph., Vice President

Tonya Johnson, Ph.T., License No. 67016382A, Cause No. 2017 IBP 0083

Respondent did not appear telephonically and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

The Respondent didn't appear for a reinstatement hearing at her request.

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

Landis/Bunton, 5/0/0
Motion carries

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

Paraleshia Washington, Ph.T., License No. 67031864A, Cause No. 2020 IBP 0030

Respondent did not appear telephonically and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by April Keaton, Deputy Attorney General and the court reporter sworn in for this matter was Lindy Meyer, with Accurate Reporting Services also appeared telephonically.

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

Bunton/Balla, 5/0/0
Motion carries

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

Kathryn Dagegg, Case Analyst, Attorney General's Office was sworn in as a witness.

The Respondent was terminated for diverting the legend drug alprazolam while employed at Walgreens.

States Exhibit