

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

Minutes of April 15, 2024

Jason Jablonski, 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:

Jason Jablonski, R.Ph., President
Steve Anderson, R.Ph., Vice President – Stepped away from meeting at noon – end of meeting
Mark Bunton, R.Ph., Member – Left meeting at 1:04 pm
Mark Smosna, R.Ph., Member
Matt Balla, R.Ph., Member – Arrived at 8:55 am
Andrew Meador, C,Ph.T., Member

Members Absent

Kate Snedeker, Consumer Member

PLA Staff Present:

Christine Cowdin
Caitlin Cress

Advisory Counsel:

Leif Johnson, J.D.

Court Reporter:

Accurate Reporting – Heather Orbaugh

The Board moved to adopt the agenda.
Smosna/Bunton, 5-0-0
Motion carries

The Board moved to approve the minutes from the March 11, 2024 Board meeting.
Smosna/Meador, 5-0-0
Motion carries

Full Board Appearances

Jarod Baker, M.S., HCM – Request for INSPECT Data

Jarod Baker and Titus Schleyer, DMD, PhD appeared on behalf of this matter for Merck/Regenstrief.

After discussion, the Board moved to APPROVE request for INSPECT data.

Smosna/Meador, 5-0-0
Motion carries

Pamela Hickman – Request for INSPECT Data

Failed to appear.

Teleflex, LLC – Wholesale Drug Distributor – Initial Application – Positive Response

Mia Hobson appeared on behalf of this matter. Teleflex, LLC is a medical device manufacturer and produces medical convenience kits. The company started a second chance program that assists with individuals with felonies. They are a distribution facility in Mississippi and they ship to all states.

After discussion, the Board moved to APPROVE applicant's Wholesale Drug Distributor application.

Anderson/Smosna, 5-0-0
Motion carries

After Action Medical and Dental Supply, LLC – Wholesale Drug Distributor – Extension of Provisional License

After Action Medical and Dental Supply, LLC appeared on behalf of this matter. Question # 3 on the application was not answered but was attested to be 'No'. There have been delays in construction that have prevented them from obtaining their DDA as they have to be operational for 30 days.

After discussion, the Board moved to APPROVE applicant's Wholesale Drug Distributor application, and to set reminder 90 days out to check in to see if they have their DDA.

Bunton/Anderson, 5-0-0
Motion carries

HealthNet Pharmacy, LLC – CSR – Pharmacy – Renewal Application – Positive Response

Stephanie Eckerle, counsel for HealthNet Pharmacy, LLC, and Andrew Gonzalez appeared on behalf of this matter.

HealthNet Pharmacy, Inc surrendered their DEA in 2009 and are now under a DEA memorandum for three years effective April 5, 2023. HealthNet Pharmacy, LLC is a separate legal entity.

After discussion, the Board moved to APPROVE applicant's CSR renewal application.

Anderson/Smosna, 5-0-0
Motion carries

Personal Appearances

Sangyup Yoon – Pharmacist Re-exam NAPLEX and MPJE 3rd attempt:

Sangyup Yoon appeared before the Board and discussed his studying habits with the Board.

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

Smosna/Balla 6-0-0
Motion carries

Stephanie Yeboah – Pharmacist Re-exam NAPLEX 3rd attempt:

Stephanie Yeboah appeared via online Zoom link before the Board and discussed her studying habits with the Board.

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

Balla/Bunton 6-0-0
Motion carries

Heath Miller - Pharmacist Re-exam NAPLEX and MPJE 5th attempt:

Heath Miller appeared before the Board and discussed his studying habits with the Board.

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

Smosna/Balla 6-0-0
Motion carries

Zoe Saulman - Pharmacist Re-exam MPJE 3rd attempt:

Zoe Saulman appeared before the Board and discussed her studying habits with the Board.

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

Smosna/Meador 6-0-0
Motion carries

Winta Haile - Pharmacist Re-exam MPJE 3rd attempt:

Winta Haile appeared via online Zoom link before the Board and discussed her studying habits with the Board.

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

Smosna/Bunton 6-0-0
Motion carries

Shalin Patel - Pharmacist Re-exam NAPLEX 5th attempt:

Shalin Patel appeared before the Board and discussed his studying habits with the Board.

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

Smosna/Balla 6-0-0
Motion carries

Eniola Egunyomi - Pharmacist Re-exam NAPLEX 3rd attempt:

Eniola Egunyomi appeared before the Board and discussed her studying habits with the Board.

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

Smosna/Bunton 6-0-0
Motion carries

Zachary Nies - Pharmacist Re-exam NAPLEX 3rd attempt:

Zachary Nies appeared before the Board and discussed his studying habits with the Board.

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

Balla/Meador 6-0-0
Motion carries

Keyaira L. Johnson – Technician/Tech in Training Application – Positive Response:

Failed to appear.

Wesley Cammenga – Technician/Tech in Training Application – Positive Response:

Failed to appear.

Malik Brandon – Technician/Tech in Training Application – Positive Response:

Malik Brandon appeared before the Board regarding a positive response on a technician application. He was arrested in March 2023 for a DUI. He completed a drug and alcohol, and victim impact courses.

After discussion, the Board moved to APPROVE applicant's Technician application.

Smosna/Bunton 6-0-0
Motion carries

Madison Dowdell – Technician/Tech in Training Application – Positive Response:

Madison Dowdell appeared via online Zoom link before the Board regarding a positive response on a technician application. She pleaded guilty to leaving the scene of the accident and received 6 months of probation. Her probation is set to completed in August 2024.

After discussion, the Board moved to APPROVE applicant's Technician application.

Smosna/Anderson 6-0-0
Motion carries

Madison Grier – Technician Renewal Application – Positive Response:

Failed to appear.

Zyairah Martin – Technician Renewal Application – Failure to Disclose:

Zyairah Martin appeared before the Board regarding a failure to disclose on their technician renewal application. The disclosed event was expunged February 29, 2024.

After discussion, the Board moved to APPROVE applicant's Technician renewal application.

Balla/Anderson 6-0-0

Motion carries

Angela Ackerman – Pharmacist Renewal Application – Positive Response:

Failed to appear.

DISCUSSION

Monthly Reports

Board Director's Report – Presented by Christine Maslan

OAG Report - Presented by DAG, Ryan Eldridge

Compliance Director's Report – Presented by Zaneta Nunnally

INSPECT Director's Report – Presented by Kara Slusser

- Add promethazine and promethazine DM to the list of Drugs of Concern.

New Business

Sam Lewis – Drug Donation Repository Program

Sam Lewis, R.Ph. Pharmacy Business Manager for Eskenazi Health appeared before the Board regarding this matter. He provided a slide deck.

Larry Anderson – Discuss Awareness to the Stresses in Pharmacy Practice

Larry Anderson appeared before the Board regarding this matter. He provided a handout/binder. He is the father of Ashleigh Anderson. Ashleigh was a pharmacist that passed away in 2021.

NABP Conference – Using CSR Funds

Voting Delegate for the NABP Conference: Mark Bunton

Using NABP Travel Grant: Mark Bunton

Using CSR Funds for travel: Approved, Anderson/Jablonski 5-0-1 – Smosna Abstained

Lebanese American University

The Board advised PLA staff to reach out ACPE for clarification of the accreditation of Lebanese American University.

Darren DeLong, R.Ph. – Order

After discussion, the Board moved to APPROVE the State’s proposed order with the following changes: paragraphs 5 & 6 of the Respondent’s edits, paragraph 9 in Respondent’s edits being moved down 1 paragraph, and the change of ‘intentionally’ to ‘allegedly’.

Anderson/Balla 5-0-1
Bunton Abstained
Motion carries

Administrative Hearings

Salem Apothecary, Inc, License No: 60003161A - Cause No. 2019 IBP 0028

Order to Show Cause

DAG: Ryan Eldridge
Respondent: Rebecca Marshall, Owner with Stephanie Eckerle, Respondent’s Counsel
Exhibit(s): None
Witness(es): Rebecca Marshall, Owner

The parties met before the meeting began and have come to a Proposed Settlement Agreement to present to the Board in lieu of the OTSC.

Salem Apothecary, Inc. failed the inspection for their compounding lab in December 2023. The agreement the parties reached prior to the hearing includes the following: extension of current probation for 3 years, monthly reports that include Steve Johnson’s audit reports, monthly review of expired medication, complete closure of compounding lab for the period of the probation, removal of all equipment, closure for a 10 day period where they will be allowed to re-open after a successful inspection, a \$500.00 fine that they will have one year to pay, and inspections every 6 months.

A motion was made and seconded to APPROVE the proposed settlement agreement.

Balla/Smosna, 5-0-1
Anderson Abstained
Motion carries

Matthew David Bezy, R.Ph., License No: 26026502A - Cause No. 2017 IBP 0010

Probation Withdrawal

DAG: Ryan Eldridge and Katie Kramer
Respondent: Matthew Bezy, R.Ph.
Exhibit(s): State’s Exhibit A – Signed Affidavit by Zaneta Nunnally of Probation Compliance
Witness(es): Matthew Bezy, R.Ph.

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.

Matthew Bezy entered into a 3 year monitoring contract with IPRP, which he successfully completed on March 21, 2024. His sobriety date is April 28, 2017.

A motion was made and seconded to APPROVE the petition for probation withdrawal.

Smosna/Meador, 5-0-1
Anderson Abstained
Motion carries

CVS Pharmacy # 6724, License No: 60004664A - Cause No. 2022 IBP 0018

Probation Withdrawal

DAG: Ryan Eldridge and Katie Kramer
Respondent: Corinne Pruett, Pharmacy Manager, and Michael Wood, District Leader
Exhibit(s): State's Exhibit A – Signed Affidavit by Zaneta Nunnally of Probation Compliance
Witness(es): Corinne Pruett, Pharmacy Manager, and Michael Wood, District Leader

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.

CVS # 6724 has received 2 passing inspections per the terms of their probationary order. They have implemented new procedures to remove expired medication and to ensure cleanliness and sanitation on a daily basis.

A motion was made and seconded to APPROVE the probation withdrawal.

Smosna/Balla, 5-0-1
Anderson Abstained
Motion carries

Natalie McCall, Ph.T., License No: 67043079A - Cause No. 2023 IBP 0004

Probation Withdrawal

DAG: None
Respondent: Natalie McCall, Ph.T.
Exhibit(s): Respondent's Exhibit 1 – Notice of Discharge From Probation dated February 22, 2024
Witness(es): Natalie McCall, Ph.T., Zaneta Nunnally, Compliance Director

Natalie McCall was placed on probation from her initial application. She states she has completed her terms of probation. Zaneta confirmed that Natalie McCall has been in full compliance with all terms of her probation.

A motion was made and seconded to APPROVE the probation withdrawal.

Bunton/Smosna, 5-0-1
Anderson Abstained
Motion carries

Jasjeet Singh Waraitch, R.Ph., License No: 26027809A - Cause No. 2020 IBP 0032

Probation Withdrawal

DAG: None

Respondent: Jasjeet Singh Waraitch, R.Ph.

Exhibit(s): None

Witness(es): Jasjeet Singh Waraitch, R.Ph., Zaneta Nunnally, Compliance Director

Zaneta confirmed that Jasjeet Waraitch has not completed term 5 of his probation which was to submit quarterly reports by his employer. Respondent states that he was unaware that his criminal probation was separate from his Board Order. The Board did take judicial notice of his public record that states that the criminal matter has been completed.

A motion was made and seconded to APPROVE the probation withdrawal.

Smosna/Balla, 4-1-1
Meador Nay
Anderson Abstained
Motion carries

Zennon Gaines, Ph.T., License No: 67039888A - Cause No. 2023 IBP 0017

Proposed Settlement Agreement

DAG: Ryan Eldridge

Respondent: Not Present

Exhibit(s): None

Witness(es): None

A motion was made and seconded to APPROVE the proposed settlement agreement.

Smosna/Meador, 4-0-1
Anderson Abstained
Motion carries

Kirk Andrew Murray, R.Ph., License No: 26018991A - Cause No. 2023 IBP 0036

Proposed Settlement Agreement

DAG: Ryan Eldridge

Respondent: Not Present

Exhibit(s): None

Witness(es): None

A motion was made and seconded to APPROVE the proposed settlement agreement.

Smosna/Meador, 4-0-1
Anderson Abstained
Motion carries

There being no further business the Board ADJOURNED at 1:13 p.m.