

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

DRAFT Minutes of May 12, 2025

Steve Anderson, R.Ph., Board President, called the meeting to order at 8:31 a.m. and declared a quorum in accordance with IC 25-26-13-3(f), 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:

Steve Anderson, R.Ph., President
Matt Balla, R.Ph., Vice President – Left at 12:13 pm
Mark Bunton, R.Ph., Member
Jason Jablonski, R.Ph., Member
Andrew Meador, C.Ph.T., Member
Mark Smosna, R.Ph., Member – Left at 12:13 pm
Kate Snedeker, Consumer Member

Members Absent

PLA Staff Present:

Kim Snyder, Board Director
Caitlin Cress, Assistant Board Director
Bradley Repass, Litigation Specialist

Advisory Counsel:

Leif Johnson, J.D.

Court Reporter:

Accurate Reporting – Margie Addington

The Board moved to adopt the agenda.

Smosna/Bunton 7-0-0

Motion carries

The Board moved to approve the minutes from the April 14, 2025 Board meeting.

Smosna/Meador 7-0-0

Motion carries

Administrative Hearings

Administrative Hearing(s) Continued:

The following hearing(s) were continued:

- **Kodi Scott Hamilton, Ph.T., License No: 67039798A – Cause No. 202411-BOP-0032 – Administrative Complaint**
- **Walgreens Company # 9854, License No: 60003055A – Cause No. 202503-BOP-0008 – Administrative Complaint**
- **Jordan David Nuger, R.Ph., License No: 26022974A – Cause No. 2023 IBP 0021 – Order to Show Cause**
- **Joseph John Piwowarski, R.Ph., License No: 2603122A – Cause No. 2022 IBP 0060 – Order to Show Cause**

Jarren Thomas Duff, Ph.T., License No: 67043309A – Cause No. 202502-BOP-0007

Summary Suspension Extension

DAG: Sarah Rochester

Respondent: Not Present

Exhibit(s): None

Witness(es): None

Court reporter sworn in. The state filed an agreement to extend the summary suspension for an additional 90 days. Kate asked why the state is asking for an extension of a summary suspension. The criminal matter remains pending and why the state asked for the summary suspension.

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.

Smosna/Snedeker, 7-0-0
Motion carries

Breena Renee Allen, Ph.T., License No: 67014918A – Cause No. 2020 IBP 0033

Petition for Probation Withdraw

DAG: None

Respondent: Breena Renee Allen, Ph.T.

Exhibit(s): None

Witness(es): None

Respondent informed that she could be represented by counsel and requested to proceed without counsel. Explained an incident that occurred in 2019 and now requesting that her probation be withdrawn. Was arrested for possession for having an unlabeled prescription in her purse. Current employer is aware of current probationary status. She would like to rectify the status of her license if possible. Criminal probation ended January 2021. There are no other criminal incidents to report. Has worked for current employer for 5 years.

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 WITHDRAW the Order of Probation on the Respondent's license.

Bunton/Smosna, 7-0-0
Motion carries

Michael J. Kellihan, R.Ph., License No: 26023051A – Cause No. 2020 IBP 0027

Petition for Probation Withdraw

DAG: None

Respondent: Michael Kellihan, R.Ph.

Exhibit(s): None

Witness(es): None

Respondent notified that he may be represented by counsel but wished to proceed anyway. Indiana Board of Pharmacy action was based upon action taken in Kentucky. January 2025 Kentucky probation lifted. Kentucky license active and in good standing. Explained actions taken while license was on probation. Issue related to injectionable sterile compounding in Kentucky. Would like to have Indiana probation removed because of possible employment offers.

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 WITHDRAW the Order of Probation on the Respondent's license.

Smosna/Jablonski, 7-0-0
Motion carries

Rebecca McGovern, D.V.M., License No: 24008200C – Cause No. 2024 IBP 0006

Petition for Probation Withdraw

DAG: None

Respondent: Rebecca McGovern, D.V.M.

Exhibit(s): None

Witness(es): None

Notified that may be represented by counsel but wished to proceed anyway. July 2020 placed on probation due to diversion and placed on probation. July 2025 will mark 5 years of sobriety. Was on probation with the Board of Veterinary Medicine for 3 years and that has been lifted as of November 1, 2024. Veterinary license is active and in good license. She will continue to see addictionologist for the foreseeable future. The board asked about the current monitoring program requirements. Submits to frequent random drug screens. Employer is aware.

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 WITHDRAW the Order of Probation on the Respondent's license.

Balla/Smosna, 7-0-0
Motion carries

Salim Charles Saba, M.D., License No: 01086957B – Cause No. 2024 IBP 0002

Petition for Probation Withdraw

DAG: Sarah Rochester
Respondent: Salim Saba, M.D., Bradley Keffer, Counsel
Exhibit(s): Exhibits 1 - 4
Witness(es): None

Respondent's Counsel provided an opening statement. There was full cooperation of the matter that led to the respondent's license being placed on probation. The state waved opening remarks. Respondent read a prepared statement. The DAG asked how the respondent has remedied the situation at the facility in question. The board asked that the respondent address every term of probation. The respondent no longer works for the facility where the incident occurred. Respondent no longer works with controlled substances. Completed the quarterly reports and 12 hours of CE. Active licenses in other states. Does not intend to open another practice in Indiana. Respondent simply wants to clear his record on this license matter. Holds an unrestricted DEA license in Kentucky. State believes respondent has remedied issues related to probation and does not object to withdraw of probation.

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 WITHDRAW the Order of Probation on the Respondent's license.

Jablonski/Smosna, 7-0-0
Motion carries

Jessica Dowe, M.D., License No: 01052224E – Cause No. 202501-BOP-0002
Motion to Dismiss

DAG: Cara Rochester
Respondent: Not Present
Exhibit(s): None
Witness(es): None

State gave an opening statement. The respondent has now registered with INSPECT and state requests the board dismiss the case. This is the first of its kind on this type of this situation. Board is concerned about setting a precedent on this matter and not issuing any kind of sanction for the number of years the respondent did not sign up for INSPECT. Counsel was not concerned about dismissing the matter as requested. A complaint on this matter was filed in January 2025. The only issue at hand had to do with respondent's failure to sign up with INSPECT. There were no issues with respondent's prescribing.

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 the motion to DISMISS.

Balla/Meador, 7-0-0
Motion carries

Malaisa Hendricks, Ph.T., License No: 67039129A – Cause No. 202505-BOP-0009
Summary Suspension

DAG: Autumn Murphy
Respondent: Not Present
Exhibit(s): State's Exhibits 1 - 4
Witness(es): Bret Busby, Diversion Investigator, Indiana Professional Licensing Agency,

McKinzee Terry, Investigator Office of Attorney General

Mark stated that this involves a former CVS employee but that he could be fair and impartial on this matter. The state did not object. The state made an opening statement. All reasonable notice requirements were met. The state called the phone number on file and left a voice message. Bret Busby was called first to testify. This involved CVS store #6638 and from a DEA 106 report received. Bret explained his investigation and answered questions about State's admitted exhibits. 476 pills were diverted over a period of time. McKinzee Terry was called to testify and explained her role as an investigator for the Office of Attorney General and specifically her investigation in this matter. The state asked McKinzee questions about admitted exhibits three and four. This remains a pending criminal matter. The state made a closing statement. Schedule for the 8/11/25 meeting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and order in the matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Medor/Jablonski, 7-0-0
Motion carries

Elizabeth V. Reust, Ph.T., License No: 67040056A – Cause No. 202505-BOP-0010
Summary Suspension

DAG: Autumn Murphy
Respondent: Not Present
Exhibit(s): State's Exhibits 1 - 5
Witness(es): McKinzee Terry, Investigator Office of Attorney General

Mark stated that this involves a former CVS employee but that he could be fair and impartial on this matter. The state did not object. The state called McKinzee Terry to testify. This complaint was filed by the DEA and included supporting documentation. McKinzee explained how she conducted her investigation and was asked questions about admitted exhibits. The board asked McKinzee questions about the investigation. State provided a closing statement. Reset for 8/11/2025 meeting. 500 tablets over the course of a year were diverted. There's no obligation to conduct cycle counts. The board talked about completing weekly cycle counts to prevent extensive diversion.

Motion to file a complaint against the store and have PLA Field Officers inspect the store for Policies and procedures on the loss.

Jablonski/Snedeker 7-0-0
Motion carries

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and order in the matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Jablonski/Smosna, 7-0-0

Motion carries

Discussion

Monthly Reports

Board Director's Report – Presented by Kim Snyder

INSPECT Director's Report – Presented by Kara Slusser, Logan Winslow

Discussed requesting a personal appearance to individuals who do not timely register with INSPECT. Referenced the earlier Motion to Dismiss that was denied.

Compliance Director Report – Presented by Zaneta Nunnally

Requested clarification regarding diversion. In the past, the Compliance Division would file a complaint where there was significant diversion. At the discretion of the Compliance Officer a complaint should be filed where sufficient controls are not found during an inspection.

OAG Report - Presented by DAG, Carah Rochester

Old Business

A. IPA Legislative Updates – Darren Covington

New Business

A. Immunization Training Program Review

- a. Board is agreeable to Andrew reviewing. Motion to allow Andrew to continue to review Pharmacy Technician Training Programs.
 - i. Balla/Bunton, 6-0-1, Meador Abstained, motion carries.
- b. Discussed listing training programs on our website including date approved.

B. Electronic Data Processing System – Scriptly (856 IAC 1-29-1)

- a. Privately held company seeking board approval. Competitors include Red Sale, Pioneer. Can support both retail and mail order pharmacies. It is possible to track a single profile across the system. Provided a prepared packet for the board. Work with various EDIs. BOP staff to determine how many Electronic Date Processing Systems are currently approved. Referenced DSCSA compliance/compatibility. Working in Illinois, Kentucky, California, Main and Arizona currently based upon customer demand. Provides own customer service. First platform went live 4/1/2021. No reported security breaches.
- b. Motion to approve Meador/Bunton 7-0-0, motion carries.

C. CSR Principal Place of Business – IC 35-48-3-3(g)

- a. Discussion about DEA and CSR language. If two adjacent connected buildings had separate addresses, DEA required a separate license. What does Indiana require? DEA used to issue exception letters if requested but no longer does so. Indiana Code references, “principal place of business.” It’s the board’s responsibility to determine what “principal place of business” means.

Full Board Appearances

Full Board Appearance(s) Continued:

- The Compounding Pharmacist – Non-Resident Pharmacy Application

Cody Drug – Non-Resident Pharmacy Application

Will Douglas, owner of Cody Drug, appeared before the Board regarding their non-resident pharmacy application. Registered as a 503A (all patient specific). Asked if still compounding tirzepatide. Discussed the shortage list regarding tirzepatide. According to Will Douglas, some attorneys state Cody Drug is not essentially copying this product. This is not all that Cody Drug compounds. Not a fly by night operation for GLP1s. Also compound, HRT (non-sterile), ED, longevity, veterinary. Compound both sterile and non-sterile compounds. No testosterone or injectable testosterone. Uses a third party for Environmental Reports (need last 2). Also needs training documentation. Don't need 795 and 797 procedures. Not on probation or been denied in any other state. BOP believes compounding tirzepatide after the shortage ending can't be compounded for Indiana residents. Discussed Texas's required pharmacy technician training program requirements. Two or three Indiana clinics are interested in using Cody Drug if licensed.

After discussion, the Board moved to APPROVE the non-resident pharmacy application pending receipt and review of the last 2 environmental reports and training reports for Compounding USP 795 and 797.

Jablonski/Meador 5-0-0
Motion carries

Medicine Man Prairie Pharmacy – Non-Resident Pharmacy Application

Failure to appear.

Orange County Sheriff's Department – CSR-Correctional Institution Application – Failed Initial Inspection

Keith Nelson, Joseph Gehl and Billy Hall appeared before the Board regarding their CSR-Correctional Institution Application failed initial inspection. The parent company is Quality Rx. Corporate office is located in Carmel, Indiana. Responsible for staffing at the medical facility in the jail. Only carry one controlled substance. Controlled Substance behind three locks. Dispensed in a blister pack. Nurse on duty at the facility is an RN five days/week. Discussed how the Controlled Substance is dispensed during non-medically covered hours. Jail staff administers medicine twice/day. Use a medication cart.

After discussion, the Board moved to APPROVE the CSR-Correctional Institution Application for a 2nd (passing) Inspection.

Medor/Snedeker 5-0-0
Motion carries

At Home Health Equipment LLC – Home Medical Equipment Service Provider Application – Failed Initial Inspection

Jerry Kirn, VP Operations, Stacey Parker, Business Unit Leader in Indiana, appeared before the Board regarding their Home Medical Equipment Service Provider Application failed initial inspection. Based out of northern Kentucky. Do have physical locations in Indiana. BOP inspected the Daleville facility. Do have passing inspections for Bloomington and Mishawaka

locations. This inspection failed because our Inspector could not get into the facility. Discussed referring the matter to the OAG. Board counsel advised that the board could issue a Cease and Desist or denial. Stacey Parker clarified that this is strictly an off-site storage warehouse facility. All purchasing and distribution is done in Indianapolis. This includes all record keeping. Zaneta clarified that if they are seeking to license this facility, inspectors would be required to have access to personnel files. Discussed the options available to the board including approving the second inspection and referring to the OAG.

After discussion, the Board moved to approve the application pending a passing inspection.

After discussion, the Board moved to APPROVE the Home Medical Service Provider Application after passing inspections for the Daleville and Terre Haute locations.

Jablonski/Bunton 4-0-0
Snedeker recused.
Motion Carries

Personal Appearance(s) Continued:

- **Arlene S. Mazo – Pharmacist Application – 3rd Attempt at MPJE – CONTINUED**
- **Ali Salameh – Pharmacist Application – 3rd Attempt at MPJE – CONTINUED**
- **Neri Manasseh Hamid Tawfiq – Pharmacist Application – 3rd Attempt at MPJE - CONTINUED**

Personal Appearances

Rehman Mustafa – Pharmacist Application – 4th Attempt at MPJE:

Rehman Mustafa appeared before the Board and discussed his studying habits with the Board. Has passed NAPLEX. Was sick the last time he took the test. Took a review course.

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

Medor/Snedeker 5-0-0
Motion carries

Yashawna Brattain – Pharmacist Application – 3rd Attempt at NAPLEX:

Yashawna Brattain appeared before the Board and discussed her studying habits with the Board. Has not taken the MPJE. Stated she suffered mental fatigue and unable to finish the exam. Plans to take practice tests.

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

Bunton/Jablonski 5-0-0
Motion carries

Aryana Anderson – Technician/Tech in Training Application – Positive Response:

Aryana Anderson appeared before the Board regarding a positive response on a technician application. Has a job lined up. Currently working at Walgreens as a shift lead. OWI 8/31/24. Probation ends February 2026. Discussed current criminal probation obligations. No other criminal matters. Learned to never drink and drive ever again. Described the probationary kiosk reporting process at the City County building. Employer is aware.

After discussion, the Board moved to APPROVE applicant's Technician application on PROBATION to run concurrent with criminal probation with terms and conditions.

Bunton/Jablonski 5-0-0
Motion carries

Satawat Sripeng – Technician/Tech in Training Application – Positive Response:
Failure to appear.

There being no further business the Board ADJOURNED at 1:47 p.m.