

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 AUGUST 10, 2020

Matt Balla, R.Ph., President, called the meeting to order at 8:14 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted on line 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: Matt Balla, R.Ph., President
Mark Smosna, R.Ph., Member
Donna Wall, R.Ph., Member (arrived 8:16a.m.)
Winnie Landis, R.Ph., Member
Steve Anderson, R.Ph., Vice President (left Noon)

Member(s) Absent: Del Fanning, R.Ph., Member

Staff Present by Telephone: Laura Turner, J.D., Board Director
Professional Licensing Agency
Jody Edens, Assistant Director
Professional Licensing Agency
Donna Moran, Litigation Specialist
Professional Licensing Agency
Nicole Schuster, J.D.,
Deputy Attorney General,
Office of the Attorney General

The Board voted by roll call to adopt the amended agenda.

Landis/Smosna, 4/0/0
Motion carries

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

FULL BOARD APPEARANCES

INSPECT Data request: Virginia Caine, M.D. and Tammie Nelson, MPH:

Virginia Caine, M.D., Director Public Health, Marion Co. Health Department and Tammie Nelson, MPH, CHP, Epidemiology Manager, Overdose Data to Action Grand Coordinator, Health & Hospital Corp., Marion Co Health Department appeared on behalf of this request.

Marion County Public Health Department is requesting to utilize prescription drug monitoring program (INSPECT) data for overdose prevention activities.

While opioid prescribing has decreased in Marion County since 2012, the rate continues to be above that of the U.S.

Prescription opioids still account for about one in five overdose deaths in Marion County in 2018. There were 361 drug overdose deaths; 79% involved Opioids; 19% involved Rx Opioids; 54% involved Fentanyl and 28% involved Meth.

They want to conduct surveillance using data from the *Indiana Scheduled Prescription Electronic Collection and Tracking* program (INSPECT) to examine and report on trends in prescribing of Schedule II drugs, or those with the greatest potential for abuse and dependence; conduct data-informed interventions and study potential points for new interventions.

Surveillance of problematic prescribing traits such as:

- High volume
- High dosage
- Concurrent opioid and benzodiazepines

INSPECT Surveillance of linkage and engagement in care for persons with opioid use disorder:

- Examine prevalence and patterns of buprenorphine naloxone, naltrexone, and methadone use at a population level

Data Informed Interventions; Intervention Goals:

- Prevent unnecessary exposure to opioids
- Decrease incidence of substance use disorder
- Decrease fatal and non-fatal overdoses
 - Provide one-on-one educational outreach by trained academic detailers to clinicians prescribing opioids at a significantly higher morphine milligram equivalence (MME) compared to other providers *in their specialty area*, or those co-prescribing opioids and benzodiazepines
 - Provide opioid action kits containing evidence-based prescribing guidelines
 - Encourage providers to co-prescribe naloxone

INSPECT study: Institutional Review Board (1912452608) and Research Review Committee approved study to link disparate data sources (i.e., electronic health records,

INSPECT, vital records, emergency medical services, drug arrests) to create a retrospective, longitudinal limited data set (personal identifiers will be stripped after linkage) for use in identifying:

- Risk and protective factors for substance use disorder, overdose, and treatment outcomes
- What interventions can be designed to mitigate risk factors of, and leverage protective factors against, substance use disorder and/or overdose
- Where and when are the best times and places for intervention

Training in PDMP utilization

- MCPHD epidemiologists on the Overdose Prevention Team have received technical assistance in PDMP surveillance from the New York City Department of Health and Mental Hygiene
- The Epidemiology Overdose Prevention Team Manager, Tammie Nelson, completed a PDMP course offered by the Centers for Disease Control and Prevention
- Training resources are available as needed by the Bureau of Justice Assistance Comprehensive Opioid, Stimulant, and Substance Abuse Program Resource Center: PDMP Training and Technical Assistance Center

Bioethical Review

MCPHD hired a Bioethicist to identify and prevent unintended consequences of our work such as, but not limited to:

- A 'chilling' effect on opioid prescribing leading to some patients not receiving adequate pain treatment
- Profiling – Substance use disorder has a long history of stigma. Evidence suggests that subcategories of that stigma reveal a higher likelihood that minority patients and men would see a reduction in pain medication
- Provider frustration and discouragement from treating anyone who expresses pain management issues

Security Considerations:

MCPHD data is secured by Health and Hospital Corporation of Marion County's Corporate Information Systems which makes use of:

- Physically secured (limited access and 24 hrs. per day armed security)
- Electronically secured (multiple layers of firewalls)
- Securely encrypted data
- Citrix ShareFile or secure file transfer protocol (sFTP) data transmission
- Strict pass phrase requirements

Data Needed for Surveillance and to Inform Interventions:

- All controlled substance prescriptions to Marion County residents, regardless of where filled, EXCEPT those prescribed/filled by a veterinarian
 - Direct VPN access to database with export capability or weekly extracts provided via sFTP or Citrix ShareFile

Data Needed for Surveillance and to Inform Interventions

- PDMP record number/unique ID
- Date of prescription
- Date of fill
- National Drug Code (NDC) number
- Days of supply
- Drug schedule classification
- Duration of action (long-acting or short-acting)
- Morphine milligram equivalents (MME) or morphine equivalent dosages (MED)
- Method of payment
- Patient race/ethnicity
- Patient age at time of prescription fill
- Patient zip code
- Patient gender
- Prescriber DEA license number (and suffix, if applicable)
- Prescriber name
- Prescriber address (full)
- Prescriber profession type
- Prescriber specialty
- Filling pharmacy DEA license number
- Filling pharmacy name
- Filling pharmacy address (full)

Data needed for study:

- All controlled substance prescriptions to Marion County residents, regardless of where filled, EXCEPT those prescribed/filled by a veterinarian
 - One-time data extract for all 2007-2019 records provided via sFTP or Citrix ShareFile
- Same variables as need for surveillance and intervention PLUS:
 - Patient name (first, middle, last)
 - Patient date of birth
 - Patient social security number
 - Patient medical record number
 - Patient address (full)

They indicated they would want to publish the results of the study if they found new issues, but they would publish only.

After discussion, the Board moved by roll call to TABLE this matter for additional information.

Landis/Wall, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall
The following board members objected: none
The following board members abstained: none

INSPECT Data Request: Amy Lewis Gilbert, JD, MPH, Jennifer Weil, Ph.D.:

Amy Lewis Gilbert, J.D., MPH, Chief Science Officer, FSSA and Jennifer Weil, Ph.D., Lewin, Managing Consultant, Program Design, Implementation & Improvement both appeared on regarding this matter.

The information submitted to the Board for review is:

SUPPORT Act Section 1003 Demonstration Project to Increase Substance Use Provider Capacity Planning Grand – Data Request

Objective: FSSA seeks to identify the universe of Indiana healthcare providers that treat or could treat substance use disorder (SUD) populations. Data requested will be used for the following activities:
1) Provider Capacity Assessment. To assess the provider supply. Data received will be mapped to other data resources (e.g., claims data) to better understand current treatment capacity.
2) Provider Capacity Survey. To support a comprehensive understanding of provider capacity and supplement the provider capacity assessment. Data received will be used to reach out to providers and request survey participation.

Project Overview:

FSSA is conducting a comprehensive assessment to understand treatment demand and provider supply to inform an action plan that will position the agency to implement strategic solutions to improve SUD outcomes. This quality improvement project is funded by CMS and uses national and state-level data sources to identify gaps and/or barriers that if minimized could result in a healthier population. Both the provider capacity assessment and the provider capacity survey are designed to provide information on the current state of the Indiana provider workforce and answer questions, such as:

- What are the titles/type, degrees, licenses, and credentials of the MH/SUD workforce in IN?
- What is the distribution of providers across geographical location?
- What populations do providers serve (e.g. adolescents; pregnant women)?
- What is the current capacity of service providers to supply MH/SUD treatment services?
- What are the provider barriers for treating MH/SUD (e.g. technology, training, reimbursement rates)?

Data Request:

We are hoping to identify the universe of providers in the state of Indiana. Only those self-identifying as the following Provider Specialties should be included in this group.

Provider Specialty:

- Physicians (M.D., D.O.1, D.P.M.2)
- Physician/General Practice
- Physician/Family Practice
- Physician/Internal Medicine
- Physician/Obstetrics and Gynecology
- Physician/Psychiatry
- Physician/Geriatric Psychiatry
- Physician/Pediatric Medicine
- Physician/Geriatric Medicine
- Physician/Addiction Medicine
- Physician/Emergency Medicine
- Physician Assistants
- Nurse Practitioners
- Clinical Nurse Specialists
- LCSW (Licensed Clinical Social Worker)

- Licensed Mental Health Counselor
- Licensed Addiction Counselors
- Licensed Clinical Addiction Counselors
- Psychologists (HSPP)
- Marriage and family therapist
- Masters level recovery coaches
- Social workers
- Peer recovery specialists
- First Responders (e.g. EMTs)
- Care Managers

Specific variables and format requested:

We understand that some specialties or variables may not be included in the data sets. We would appreciate any suggestions for other data sources that we should use.

Note. Key to the survey activity is the need for provider email addresses. By having email addresses, FSSA will be able to email the survey directly to providers.

Additionally, we have included a column related to whether the provider offers SUD services. Our understanding is that this may be available from the INSPECT data.

Data Use:

Provider Information will be used for quality improvement and not published or re-disclosed.

Provider Capacity Assessment: Data will be reported in the aggregate at either the county or regional level to assess capacity relative to the treatment needs.

Provider Capacity Survey: Data will be used to reach out to providers and request participation in the survey. Individual responses to this survey will not appear in any report to FSSA, to other payers, or to the public. All findings will be reported in aggregate and be used to inform State planning activities to expand substance use treatment services. Participation in the survey will be voluntary.

The information requested is as follows:

- Provider license number
- Provider license type
- Provider tax identification number
- Provider first name
- Provider last name
- Practice/Group Name
- Practice status
- Provider address
- Provider zip code
- Provider email
- Provider phone number
- Provider title/role
- Provider specialty
- Provider addiction services (Y/N)

After discussion, the Board moved by roll call to TABLE this matter for additional information.

Landis/Wall, 5/0/0

Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall

The following board members objected: none

The following board members abstained: none

Cordand Pharmacy Indiana – Remote Dispensing Facility App – Mark Rueth, R.Ph.,

PIC:

Mark Rueth and Bob Mann both appeared regarding this matter.

The remote dispensing facility will be located in Avon as is the overseeing pharmacy.
Mark Rueth is the PIC at the overseeing pharmacy.

He indicated the space is right next door to the provider's office, which includes two (2) Physicians and four (4) Nurse Practitioners.

It was pointed out that the hours on the application for the remote dispensing facility do not match the hours of the overseeing pharmacy and they must.

Bret Busby, Compliance Officer stated that he has concerns about this application and Cordand Pharmacy has had issues in the past with 106's and delivery issues. He indicated he has seen a vast reduction in the courier issues. He stated it's been about six (6) months since the issues were identified.

The Board wanted to know what will happened to the drugs when the Technician goes to lunch. It was indicated to the Board that the drugs will be locked in a safe and the door locked when the Technician goes to lunch. They stated that the facility needs all security measures to keep the drugs overnight.

After discussion, the Board moved by roll call to APPROVE the Remote Dispensing Facility as long as they meet the inspection requirements for the remote dispensing facilities, and they cannot have schedule 1.

Wall/Smosna, 4/0/1 with Steve Anderson abstaining
Motion carries

The following board members voted aye by roll call:
Winnie Landis, Matt Balla, Mark Smosna, Donna Wall

The following board members objected: none

The following board members abstained: Steve Anderson

Presence Sacred Heart Home/Remedi Seniorcare of Ohio – Remote Location App:

Brad Peters, R.Ph., PIC appeared on behalf of this matter.

Mr. Peters informed the Board that they will be using a Cubex machine and it will only be used for first doses and emergency use. It will be in a locked room and will contain controlled substances.

Their courier service uses tamper proof bags in secure totes. They also do a reconciliation of the drugs daily.

The Nurse at the facility will call the Pharmacist to validate a prescription, once it is all validated the Nurse will then get a validation code to go into the machine and obtain the controlled substance.

They do have other remote locations in Indiana.

After discussion, the Board moved by roll call to APPROVE the remote location application.

Smosna/Wall, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall
The following board members objected: none
The following board members abstained: none

Rensselaer Care Center/Care Pharmaceutical Services – Remote Location App:
Jennifer Salyer, Assistant Director of Nursing and Kristian Walker, R.Ph., PIC both appeared regarding this matter.

They will be using an Omnicell machine in the remote location.

They will be using the Omnicell for first doses and emergency use. It is in a locked room.

After discussion, the Board moved to APPROVE the remote location application.

Smosna/Wall, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall
The following board members objected: none
The following board members abstained: none

Meds to You, License# 60006722A – Change of Location Application:
Bridgette Witsken, NP, and Lyman Eaton both appear on behalf of this matter.

Bret Busby, Compliance Officer also appeared and testified that the issue with the new location for this facility is the location. It's in a house and the law specifies that a pharmacy cannot be in a residence.

Ms. Witsken informed the Board that the location was her Grandmother's house, but it was transformed into a Veterinary Office and is currently empty.

She also stated that that it has a large parking lot for commercial use and is surrounded by commercial businesses.

They will be a mail order pharmacy and will use FedEx to deliver the prescriptions. She will not be prescribing for patients. The house is zoned for commercial use as of February 26, 2020.

She has a commercial contractor ready to make some changes to accommodate the pharmacy. There is no living space in the house at all, the pharmacy will take up the entire space.

After discussion, the Board moved to APPROVE the CHOL application upon a passed inspection.

Landis/Wall, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall
The following board members objected: none
The following board members abstained: none

The Carboxyl Group, LLC – Analytical Laboratory Controlled Substance

Registration:

Keith Johnson, a biomedical technician engineer appeared on behalf of this matter.

They are requesting an analytical laboratory-controlled substance registration to "clean" up their CBD product as it has too much THC (marijuana) in it.

They will never store the product in the laboratory and the building is very secure.

After discussion, the Board moved to TABLE this matter until Ms. Schuster has time to research the law.

Landis/Smosna, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall

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

Rushville Animal Shelter – Controlled Substance Registration Change of Location Application:

This matter was continued.

Marie Canine Cancer Center/Franciscan Health – Remote Location Application:

Rhonda Yates, R.Ph., Kelly Dugger, R.Ph., PIC and Laura Shondell, R.Ph. all appeared on behalf of this matter.

The machine they are requesting to use is a Nucleus machine. The data doesn't flow into the machine, it only flows out as it functions as a locked cabinet.

Everyone will have their own username and log-in, but it doesn't require a witness. The machine is stored about five hundred (500) feet from the pharmacy.

It has minimal controlled substances stored in it.

After discussion, the Board TABLED this matter for a presentation on the machine and how it works/functions.

Wall/Landis, 5/0/0
Motion carries

The following board members voted aye by roll call:
Steve Anderson, Winnie Landis, Matt Balla, Mark Smosna, Donna Wall
The following board members objected: none
The following board members abstained: none

Julie DePalma, PharmD., Uvanda Pharmacy Variance request of 856 IAC 1-28-1-9(I)(1):

Karen Nishi appeared on behalf of this matter. They are requesting the allow the pharmacy to use a cubex – cubee cubex med bank machine to replace manual tackle boxes.

The Board indicated that they don't need a variance request they need to submit a remote location application.

Ms. Nishi thanked the Board for their discussion and withdrew the variance request.

PERSONAL APPEARANCES

Breana Allen, Ph.T., License No. 67014918A – Renewal Application:

Ms. Allen appeared telephonically before the Board and was not represented by counsel regarding a positive response on her renewal application.

Ms. Allen was arrested after officers searched her car and found controlled substances. She stated she was taking them for a neck injury.

She was placed on Court probation for the rest of the year. She must check in every two (2) months, make monthly payments on her fines/costs and get a drug screen when she is called to take one.

After discussion, the Board voted by roll call to RENEW Ms. Allen's license. Wall/no second, motion fails.

After further discussion, the Board voted by roll call to RENEW Ms. Allen's license on AGREED INDEFINITE PROBATION with terms and conditions.

Landis/Smosna, 5/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna, Steve Anderson
The following board members objected: none
The following board members abstained: none

Jennifer Galligan, R.Ph., License No. 26022213A – Renewal Application:

Ms. Galligan appeared telephonically before the Board and was not represented by counsel regarding a positive response on her renewal application.

Tye Dominguez, IPRP appeared regarding this matter. He informed the Board that IPRP recommended a one (1) year contract with sixteen (16) urine drug screens per year. Ms. Galligan signed the contract in July 2020.

Back in 2017 Ms. Galligan was arrested for a DUI, after a second arrest on February 2, 2020 for a DUI, Ms. Galligan spent five (5) days in jail; one-hundred twenty (120) under house arrest and three-hundred sixty-five (365) days on court probation and was required to be evaluated by Aspire.

After discussion, the Board voted by roll call to RENEW Ms. Galligan's license on AGREED INDEFINITE PROBATION with terms and conditions.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Steve Anderson
The following board members objected: none
The following board members abstained: none

Jessica Rardin, R.Ph., License No. 26021206A – Renewal Application

Ms. Rardin appeared telephonically before the Board and was not represented by counsel regarding a positive response on her renewal application.

She has a remedial plan with the State of Texas, which is not considered disciplinary action.

She explained that she entered into the remedial plan for a dispensing error that occurred on her shift. The error involved the intermixing of two (2) medications. They were using a virtual fill system and the pharmacists were ringing up prescriptions and counseling patients. The system worked by the technician first scanning the leaflet then the product, the pouring the medication into the counter. It would spin and place the tablets on a shelf and take a picture. This was the only means to perform product verification since the fill stations and the checkout were in separate areas. The picture she verified didn't show the incorrect tablet, so she was unaware of the error until the patient returned to the pharmacy. She didn't know if the technician poured medication from two (2) different bottles or if someone has previously intermixed the medications in the stock bottle.

After discussion, the Board voted by roll call to APPROVE Ms. Rardin's license renewal.

Wall/Balla, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Steve Anderson
The following board members objected: none
The following board members abstained: none

Emily Fry-Schutt, Ph.T., License No. 67025383A – Renewal Application:

Ms. Fry-Schutt appeared telephonically before the Board and was not represented by counsel regarding a positive response on her renewal application.

Ms. Fry-Schutt explained to the Board that she was a social drinker, but when her life got very stressful, she turned to alcohol.

She realized she had a problem and went voluntarily to treatment for alcoholism. She completed a treatment program at Tata Treatment Center in 2019.

She continues to see a Psychiatric Nurse Practitioner for counseling and goes to AA/NA meetings and individual therapy. She is nine (9) months sober.

After discussion, the Board moved to APPROVE Ms. Fry-Schutt's license renewal.

Anderson/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Steve Anderson
The following board members objected: none
The following board members abstained: none

Jasjeet Waraitch, R.Ph., License No. 26027809A – Renewal Application:

Mr. Waraitch appeared telephonically before the Board and was not represented by counsel regarding a positive response on his renewal application.

Mr. Waraitch appeared before the Board at their June 8, 2020 meeting. He received a DUI on November 15, 2019 and was then evaluated by IPRP and they determined that he did not meet the criteria for substance use disorder.

His sobriety date is November 15, 2019.

He is currently on court probation for the DUI.

After discussion, the Board voted by roll call to APPROVE Mr. Waraitch's license renewal on AGREED INDEFINITE PROBATION with terms and conditions.

Landis/Balla, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Steve Anderson
The following board members objected: none
The following board members abstained: none

Nicole Leek, Technician Application:

Ms. Leek appeared telephonically before the Board and was not represented by counsel regarding a positive response on her initial application.

Ms. Leek appeared before the Board at their June 8, 2020 meeting. At the meeting she informed the Board she completed her pretrial diversion program in February 2020. She also stated in October 2017 she overdosed on medication due to an addiction. She informed the Board that she used Heroin for a while, then went into treatment with Frontline. She has been clean from drugs since 2017 but continues to drink alcohol about once a month. The Board then tabled her application for her to obtain an evaluation with IPRP and to obtain a letter from Frontline and her counselor.

Ms. Leek was informed of the costs of IPRP and indicated she understood them.

Tye Dominguez, IPRP informed the Board that Ms. Leek signed a five (5) year contract with IPRP. He indicated that IPRP felt she would be ok to work in a pharmacy as she was diagnosed with sustained remission.

Her support system consists of her Parents and her cousin that is attending nursing school.

After discussion, the Board voted by roll call to APPROVE Ms. Leek's initial application on INDEFINITE PROBATION with terms and conditions.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Steve Anderson
The following board members objected: none
The following board members abstained: none

ADMINISTRATIVE HEARINGS

The following administrative hearing(s) were continued:

- **Jamie Lalonde, Ph.T., License No. 67026933A, Cause No. 2019 IBP 0037**
- **Emmylou Melton, R.Ph., License No. 26024816A, Cause No. 2019 IPB 0056**
- **Richard Pearson, R.Ph., License No. 26014579A, Cause No. 2020 IBP 0014**
- **Walgreens #07926, License No. 60005834A, Cause No. 2020 IBP 0022**

Barbara Lyn Carson, Ph.T., License No. 67031345A, Cause No. 2020 IBP 0023

Respondent did not appear telephonically 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Dijon A. Coleman, Ph.T., License No. 67031695A, Cause No. 2019 IBP 0039

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

John William Cox, R.Ph., License No. 26016022A, Cause No. 2020 IBP 0003

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Sarah Jane Gourley, Ph.T., License No. 67029782A, Cause No. 2019 IBP 0079

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension 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, Margie Addington 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 voted by roll call to EXTEND the

SUMMARY SUSPENSION for ninety (90) days.

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
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 Extension of Summary Suspension 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Shirley Lindsey, Ph.T., License No. 67032904A, Cause No. 2019 IBP 0029

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension 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, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Smosna/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Brent A. Losier, R.Ph., License No. 26018627A, Cause No. 2017 IBP 0057

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Natalie Stidd, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Charles Ringger, R.Ph., License No. 26012961A, Cause No. 2017 IBP 0049

Respondent did not appear telephonically and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Natalie Stidd, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 voted by roll call to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Landis/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Christopher E. Wagner, Ph.T., License No. 67009920A, Cause No. 2020 IBP 0002

Respondent did not appear telephonically 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, Margie Addington 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 voted by roll call to EXTEND the

SUMMARY SUSPENSION for ninety (90) days.

Landis/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Heather Dawn Williams, Ph.T., License No. 67031532A, Cause No. 2019 IBP 0038

Respondent appeared telephonically and was not represented by counsel regarding an Extension of Summary Suspension 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, Margie Addington with Accurate Reporting Services also appeared telephonically.

A verbal settlement agreement was presented to the Board. Parties agreed to Extend the Summary Suspension for another ninety (90) days to work on a final settlement agreement.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board voted by roll call to APPROVE the Settlement Agreement.

Wall/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Kelley Branchfield, R.Ph., License No. 26017946A, Cause No. 2018 IBP 0052

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 Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter; Margie Addington with Accurate Reporting Services also appeared telephonically.

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

Mr. Dominguez testified that the Respondent had two (2) positive peth tests; 1 positive UDS; and seven (7) abnormal drug screens. Due to these issues her RMA with IPRP was extended for three (3) months. Following this she did move forward to complete her RMA contract with IPRP on April 15, 2020.

Ms. Branchfield informed the Board that she has completed her criminal court probation. She currently works for CVS in Martinsville, Indiana.

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

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Estil James Caton, R.Ph., License No. 26028125A, Cause No. 2017 IBP 0005

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, Margie Addington with Accurate Reporting Services also appeared telephonically.

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

Mr. Dominguez testified that the Respondent was successfully discharged on July 7, 2020 from his IPRP contract.

His sobriety date is December 5, 2016.

He has been compliand with all terms of the Board probationary order.

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

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Lucas Sweet, R.Ph., License No. 26025388A, Cause No. 2018 IBP 0058

Respondent appeared telephonically 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, Margie Addington with Accurate Reporting Services also appeared

telephonically.

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

Tye informed the Board that the Respondent missed a meeting and had explained to him that he misunderstood the requirement. Mr. Sweet's RMA was extended for one (1) year. Mr. Dominguez stated that they had been unable to get ahold of Mr. Sweet so they submitted a letter of non-compliance to the Board. He also didn't have a letter from his therapist.

His current contract with IPRP goes until March 23, 2023. He currently works at William Brothers Pharmacy.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board voted by roll call to DISMISS the Order to Show Cause.

Smosna/Landis, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

Linda Spencer, A.P.R.N., License No. 71000076B, Cause No. 2020 IBP 0006

Respondent appeared telephonically and was represented by counsel, Shelley Jackson, J.D. regarding an Order to Show Cause/CSR Reinstatement scheduled before the Board. The State of Indiana was represented by Alyssa Servies, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington with Accurate Reporting Services also appeared telephonically.

In 2018 Ms. Spencer's DEA was surrendered for cause, automatically suspending her CSR due to operation of law.

Ms. Spencer has been an RN for fourteen (14) years and an APN since 2004.

She currently has five (5) other NP's that work for her.

She has completed the opioid continuing education through ISMA.

Respondents Exhibits:

- 1 – Copy of hearing notice
- 2 – Audit done by a retired DEA Agent
- 3 – letter from her Collaborating Physician

After having considered the evidence presented and taking official, judicial notice of the

pleadings, evidence, and orders in this matter the Board voted by roll call to APPROVE Reinstatement of her CSR and ISSUE the new CSR application.

Wall/Smosna, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

CVS Pharmacy #6713, License No. 60004661A, Cause No., 2019 IBP 0061

Respondent did not appear telephonically and was not represented by counsel regarding a Proposed Settlement/Final Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter, Margie Addington 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 for review. The Proposed Settlement Agreement included INDEFINITE PROBATION for not less than three (3) years; a \$10,000 FINE with terms and conditions.

After reviewing the proposed settlement agreement, having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board voted by roll call to APPROVE the Settlement Agreement. Smosna/Wall no vote. The Board opened the hearing for additional questions.

After reviewing the settlement agreement again and having considered the evidence presented and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board voted by roll call to APPROVE the Settlement Agreement.

Smosna/Wall, 4/0/0
Motion carries

Donna Wall, Winnie Landis, Matt Balla, Mark Smosna
The following board members objected: none
The following board members abstained: none

DISCUSSION

Participating Members: Donna Wall, Winnie Landis, Mark Smosna, Matt Balla

INSPECT Report:

Kara Slusser, Inspect Director gave the following report to the Board:

- She received a call from DEA investigators that there are fake DEA numbers listed in INSPECT. Type 61's the check digit is a 9; Apriss created for them. It is used to do test records and used for Gabapentin.
- Prescriber reports was launched about two (2) months ago. We have been able to get good information for it. It has assisted in identifying prescriptions that the prescriber didn't write.
- RxCheck Update: DOJ/CDC will still get grand funding to us and Department of Health. The MOU was edited, and they agreed to almost all our requests in the new MOU.
- HIPPA compliance – we have had a push back on this issue.
- E-prescribing – Kara has applied for funding support
- PDMP integration for VA will be completed hopefully by the end of the year 2020.
- They are launching a new data audit next week – it will be looking for errors; provide feedback to pharmacies that participate...info will include wrong DEA numbers; wrong provider, etc.

The Board thanks Ms. Slusser for the information.

Express Scripts Variance Request of IC 1-35-1(F):

This is the second of three times appearing before the Board.

Veterinary Drug Reference:

Mark L. Cushing, J.D., Founder & Managing Partner, Animal Policy Group, LLC contacted the Board regarding the growing need for human pharmacies to have immediate access to digital veterinary drug reference guide in light of the rapidly expanding demand for human pharmacies to satisfy veterinary prescriptions.

856 IAC 1-30-8 Physical requirements:

(h) If a pharmacy dispenses veterinary prescriptions, the pharmacy shall have access to a veterinary drug reference.

Mr. Cushing presented the following information for the Board's review:

Pet Medications: A Growing Market

- In the US, sales of drugs made for dogs and cats reached \$9 billion in 2018, a nearly 9% year-over-year increase that represents a continuing upward trend.³
- More than 40 states require veterinarians to provide pet owners with written prescriptions upon request.⁴
- Each prescription is a cash sale without human insurance limitations. Understanding the difference between human and pet prescriptions is essential for safe and accurate dispensing of pet medications. Here are a few key points to keep in mind:
 - Differences in species—dogs, cats, or small mammals—can necessitate different drug selections and doses than you're used to.
 - Substitutions common in human pharmacology may not be appropriate in animals.
 - Additives common in compounding for human medicines (e.g., xylitol) can be toxic to dogs.

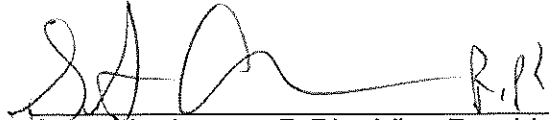
Animals aren't small versions of people

- Dogs have nearly 30% more blood per kg of weight than people do, which affects drug concentrations in the blood.
- Dogs have a faster glomerular filtration rate, so drugs may be eliminated more rapidly.
- As little as 1/8 of a 325-mg acetaminophen tablet could kill a cat.

There being no further business the Board adjourned at 5:25 p.m.



Matt Balla, R.Ph., President



Steve Anderson, R.Ph., Vice President

Safely dispense pet medications with the drug reference veterinarians trust most

Plumb's is the #1 drug reference most trusted by veterinarians. Written by a pharmacist, continually updated by a team of 40+ pharmacists and veterinarians.

During discussion, the Board thought this requirement would be a good idea.

Rulemaking Status:

Laura Turner, J.D., Board Director guided the Board members to the Rule re-adoption information and requested the Board members to review the rules that need re-adopted so this can be voted on at the Board's next meeting.

She also guided the Board members to the status of all the rules that the Board has started and where they stand. They are as follows:

- Electronic Prescribing, no rule number, not filed, no date filed, status: Discussions in progress; statute takes effect 1/1/21
- Synthetic Drugs, no rule number, not filed, no date filed, status: We have two (2) that have been approved by the Board and need to be filed – Emergency Rules.
- Remote Data Entry for Technicians, no rule number, not filed, no date filed, status: Moratorium Exception Granted. Ready to be filed.
- Medication Therapy Management (MTM), no rule number, not filed, no date filed, status: Still working with OMB on this rule. Last update is this rule was with State Budget Agency.
- Ambulance CSR, no rule number, not filed, no date filed, status: ready to file.
- Emergency Drug Kits, no rule number, not filed, no date filed, status: Draft in progress.
- Pharmacy Tech in Training Programs, no rule number, not filed, no date filed, status: Need to begin draft
- HME Provider updates, no rule number, not filed, no date filed, status: Need to begin draft.
- Prescription transfers, no rule number, not filed, no date filed, status: Waiting for clarification on federal rules
- C2 Partial Fills, no rule number, not filed, no date filed, status: We have a draft, need to revisit once DEA updates their partial fill rule.
- Telepharmacy/Remote Dispensing Facilities, no rule number, not filed, no date filed, status: Emergency Rule in place, need final rule
- Convictions of Concern Rule, LSA 19-445, yes has been filed, date filed 8/29/19; status: Need State Budget Agency and Office of Management & Budgets approval.

Laura asked that the Board members to review the list of rules and rank them in order of importance.