

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

Minutes of December 11, 2023

Mark Bunton, R.Ph., President, called the meeting to order at 8:30 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:

Mark Bunton, R.Ph., President
Jason Jablonski, R.Ph., Vice President
Mark Smosna, R.Ph., Member
Steve Anderson, R.Ph., Member
Matt Balla, R.Ph., Member
Andrew Meador, C,Ph.T., Member
Kate Snedeker, Consumer Member

PLA Staff Present:

Evan Bartel, General Counsel
Christine Cowdin

Advisory Counsel:

Leif Johnson, J.D.

Court Reporter:

Accurate Reporting – Margie Addington

The Board moved to adopt the agenda.
Jablonski/Balla, 7-0-0
Motion carries

The Board moved to approve the minutes from the November 13, 2023 board meeting.
Balla/Anderson, 7-0-0
Motion carries

Full Board Appearances

BET Pharmacy, LLC, 64000704A – Reinstatement Application

PIC appeared on behalf of this matter.
Still on probation in KY.

The Board moved to REINSTATE the Respondent's license on INDEFINITE PROBATION with terms and conditions.

Jablonski/Smosna, 7-0-0
Motion carries

Personal Appearances

Kerry Batten, RPh, 26023065A - Reinstatement App – Positive Response:

Continued to 1.8.2024 meeting.

Kylie Roberts, Tech/Tech in Training Initial App – Positive Response:

Failed to appear.

Justin Lewis, Tech/Tech in Training Initial App – Positive Response:

Justin Lewis appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

No longer on criminal probation, working at Walgreens,

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

Jablonski/Anderson, 7-0-0
Motion carries

Stacia Brown, Tech/Tech in Training Initial App – Positive Response:

Stacia Brown appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

DUI 2021 resolved.

Works at Walgreens fulfillment center.

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

Smosna/Jablonski, 7-0-0
Motion carries

Yadhira Sandoval, Tech/Tech in Training Initial Application – Positive Response:

Failed to appear.

Jay Hatton, Tech/Tech in Training Initial App – Positive Response:

Jay Hatton appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

Works at Kroger in Columbus, IN.
Last arrest in 2018 public intoxication.

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

Jablonski/Snedeker, 7-0-0
Motion carries

Andraea Guy, Tech/Tech in Training Initial App – Positive Response:

Andraea Guy appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

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

Smosna/Ball, 7-0-0
Motion carries

Abigail Kennedy, Tech/Tech in Training Initial App – Positive Response:

Failed to appear.

Erin Renneker, 45023547A – Pharmacy Intern Renewal App – Positive Response:

Erin Renneker appeared in person and was not represented by counsel regarding a positive response on a pharmacy intern renewal application.

After discussion, the Board moved to RENEW applicant's pharmacy intern LICENSE.

Smosna/Jablonski, 7-0-0
Motion carries

Cortlyn Taylor, Tech/Tech in Training Initial App – Positive Response:

Failed to appear for the second time.

Akram Musleh, Tech/Tech in Training Initial App – Positive Response:

Failed to appear for the second time.

Aaron Anthony, Tech/Tech in Training Initial App – Positive Response:

Aaron Anthony appeared in person and was not represented by counsel regarding a positive response on a pharmacy technician/tech in training application.

Last arrest in 2016
Working at Walgreens, as cashier

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

Jablonski/Snedeker, 7-0-0
Motion carries

ADMINISTRATIVE HEARINGS

Amy Anders, License No: 99113576A - Cause No. 2023 IBP 0038

Petition for Summary Suspension

DAG: Autumn Murphy
Respondent: Did not appear
Exhibit(s): Exhibit 1 – Consumer Complaint
Exhibit 2 – Affidavit from Kathryn Fox, Kroger District Asset Protection Manager
Exhibit 3 – Video from Kroger surveillance camera
Exhibit 4 – Statement from Respondent
Exhibit 5 – My Case Summary for Amy Anders
Witness(es): Lindsey Bruce, OAG Investigator

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.

Smosna/Anderson, 7-0-0
Motion carries

Zunaid Rajab Ali, RPh, License No: 26029605A - Cause No. 2022 IBP 0006

Probation Withdrawal

A motion was made and seconded to TABLED as Petitioner did not appear.

Smosna/Anderson, 7-0-0
Motion carries

Hana C. Humble, PhT, License No: 67020287A - Cause No. 2022 IBP 0046

Probation Withdrawal

Petitioner appeared on behalf of this matter without counsel, criminal probation has been resolved.

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

Shannon Michele Gavin, APRN, License No: 71003579B - Cause No. 2023 IBP 0037

Petition to Reinstate

Petitioner appeared without counsel.

DEA surrendered, CSR was suspended.

Not currently working.

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 the Respondent's CSR.

Anderson/Balla, 7-0-0
Motion carries

Cristovao Francisco Vieira, MD, License No: 01068700B - Cause No. 2023 IBP 0032

Petition to Reinstate

DAG: Carah Rochester
Respondent: Respondent appeared on behalf of this matter with counsel Mary Watts
Exhibit(s): A – Final Order Accepting Settlement Agreement
B – Monitoring Contract
C – ISMA Letter of Compliance
D – Notice to Medical Board of Pharmacy Hearing

Witness(es): Dr. Vieira

Medical license on probation. Has job opportunity, needs CSR and DEA to get hospital privileges. Asking for a CSR with drug schedules 4 and 5 only.

State has no objection to CSR issuance with schedules 4 and 5 but recommends mirroring Medical Board 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 REINSTATE the Respondent's CSR ON PROBATION with terms and conditions to mirror the Medical Board order, only able to prescribe drug schedules 4 and 5.

Smosna/Anderson, 7-0-0
Motion carries

Jeffrey Rob Miller, MD, License No: 01052478C - Cause No. 2023 IBP 0009

Motion to Dismiss

DAG: Britney McMahan
Respondent: Attorney K. Michael Gaerte appeared on the Respondent's behalf
Exhibit(s): None
Witness(es): None

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 this matter.

Smonsna/Balla, 7-0-0
Motion carries

Amy Hecht, PhT, License No: 67037419A - Cause No. 2023 IBP 0025

Default Hearing

DAG: A.J. Holbrook
Respondent: Failed to appear
Exhibit(s): Exhibit A – Certified Criminal Documents
Exhibit B – Employment Records
Exhibit C – Video Surveillance
Exhibit D – DEA 106 report
Witness(es): Samantha Anders, OAG Investigator

Let the record reflect that Mark Bunton explained that he is employed with CVS but feels he can be fair and impartial in this matter. All parties were fine with Mr. Bunton participating. After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and order in the matter the Board moved to hold the Respondent's license in DEFAULT

Smosna/Balla 7-0-0

A motion was made and seconded to find in violation of all Counts 1 – 4.

A motion was made and seconded to REVOKE Respondent's license and impose the \$5 health records fee.

Jablonski/Anderson, 7-0-0
Motion carries

DISCUSSION

Monthly Reports

Board Director's Report – Presented by Christine Cowdin

OAG Report - Presented by DAG, Carah Rochester

There being no further business the Board ADJOURNED at 2:39 p.m.