

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

**MINUTES OF APRIL 11, 2022**

Mark Smosna, R.Ph., President, called the meeting to order at 8:32 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 Smosna, R.Ph., President Mark Bunton, R.Ph., Vice President Steve Anderson, R.Ph., Member Jason Jablonski, R.Ph., Member Matt Balla, R.Ph., Member
Member Absent:	Winnie Landis, R.Ph., Member
Staff Present:	Jody Edens, Assistant Director Professional Licensing Agency Christine Cowdin, Assistant Director Professional Licensing Agency Kurt Miller, J.D., Deputy Attorney General Office of the Attorney General

The Board voted to adopt the agenda.

Bunton/Jablonski, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

The Board voted to APPROVE the minutes as written for May 10, 2021, June 14, 2021, June 14, 2021, Executive Session and August 9, 2021.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:

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

### **FULL BOARD APPEARANCES**

The following appearance was cancelled as they withdrew their renewal:

- **HDM Pharmacy, License No. 64003120A – Renewal Positive Response**

### **Darren Covington, J.D., Executive Vice President, Indiana Pharmacists Association – Legislative Update:**

Mr. Covington discussed the two following bills in details:

SB 5 – Reciprocity and Audiology Compact, Signed by the Governor on March 18, 2022, effective March 18, 2022:

1. A board shall issue a license or certificate to an applicant to allow the individual to practice in Indiana if the following is met:
  - a) Hold a current license in another state;
  - b) Requirements for licensure or certification in the individual's state or jurisdiction are equivalent to or exceed IN requirements;
  - c) The individual has not committed any act that would constitute grounds for refusal, suspension, or revocation of said license or certification;
  - d) The individual has no pending complaints or investigations related to unprofessional conduct;
  - e) The individual is in good standing with no disciplinary action taken against them;and,
  - f) The individual has paid all required fees
2. A provisional license may be granted to the applicant without an examination not more than 30 days after all criteria below are met:
  - a) The individual is in good standing in all states and jurisdictions in which they hold a license/certificate for the occupation applied for;
  - b) The individual has not had a license revoked or voluntarily surrendered a license while under investigation for unprofessional conduct;
  - c) No disciplinary action has been taken against the individual by the regulating agency for the occupation;
  - d) The individual has no pending complaints or investigations related to unprofessional conduct;
  - e) The individual does not have a disqualifying criminal record; and,
  - f) The individual has submitted an application for licensure or certification and has paid all application fees.
  - g) This license will expire 365 days after the issue date or at the time the board

approves/denies the individual a license or certificate for the occupation.

h) The board will decide to approve or deny an application for licensure or certification before the expiration of the provisional license.

SB 239 – Practitioner Advertising, Signed by the Governor March 15, 2022, effective July 1, 2022:

1. Any advertisement after January 1, 2023 that includes the practitioner’s name must also clearly show their profession or license that they hold in a manner that is readily apparent to the reader. This does not preclude the advertisement from also including the practitioner’s title or designation associated with their educational degree.
2. An advertisement is any printed, electronic, or oral statement:
  - a) that is communicated or disseminated to the general public;
  - b) that: A) is intended to encourage a person to use a practitioner’s professional services; or B) for commercial purposes, names a practitioner in connection with the practice, profession, or institution in which the practitioner is employed, volunteers, or provides health care services; and,
  - c) that the practitioner or the practitioner’s group practice has control over the preparation, communication, or dissemination of the statement.

Mr. Covington also discussed the following bills: SB 239; SB 260; SB 264; SB 284 and HB 1001; HB 1003; HB 1255 and HEA 11.

The Board thanked Mr. Covington for his report.

**Reggie Dillard, D.Ph., Gladstone Consultants – Discussion on ADS for Prisons/Jails:**

Mr. Dillard along with Christie Henry and Won Win all appeared regarding this matter.

Mr. Dillard explained that they want to put automatic dispensing systems (ADS) in correctional institutions. They will use Swisslog, which has previously been approved by the Board.

Arizona and South Carolina are both doing this in correctional institutions now and it has been working well.

They will have staffing 24/7 and will not have any controlled substances in the machines. It will cover twenty (20) prisons and Marion County Jail.

After discussion, the Board moved to APPROVE their request to use ADS machines for correctional institutions and they do not need to reappear regarding their applications.

CONSENSUS  
Motion carries

The following board members voted aye:

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

**Bound Tree Medical and Emergency Medical Products, WDD's Provisional License Requests:**

Michael Cook, Sr. Regulatory Counsel appeared for both matters.

Both facilities are located in Indiana. They applied for DDA(VAWD) on March 31, 2022, for both facilities. They are waiting for them to come to do the inspection.

After discussion, the Board moved to APPROVE a Provisional license for both facilities.

Bunton/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**College Pharmacy, License No. 64000736A – Renewal Positive Response:**

Jerry Gillick appeared on behalf of this matter.

Mr. Gillick informed the Board that College Pharmacy is licensed in forty-five (45) states. In 2020, California put their license on probation because they did not have a stability study. Texas and Pennsylvania followed with sister state action.

The do both sterile and non-sterile compounding. Their home state is Colorado, and it is in good standing.

After discussion, the Board moved to APPROVE the renewal for College Pharmacy.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**Foothills Professional Pharmacy, License No. 64002462A – Renewal Positive Response:**

Randy Fearnow, J.D., Roxanne Hilton, J.D. and Ron Kaleher, R.Ph., PIC all appeared on

behalf of this matter.

They had a compounding issue in Mississippi as they missed filling out paperwork with the State of Michigan. Due to the paperwork issue, they were filling compounded prescriptions without the appropriate license.

Their Arizona license is free and clear.

The FDA issue was on the previous owners, and they have received a letter closing the issue.

They ship to approximately eight hundred (800) patients in Indiana.

After discussion, the Board moved to APPROVE the renewal for Foothills Professional Pharmacy.

Jablonski/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**Independence Plus, Inc., License No. 69000974A – Renewal Positive Response:**

Robert Markett, Carrie Pierce, Danilo Coite and Ana Sikula all appeared on behalf of this matter.

The facility has had some issues with the Indiana Department of Health. They indicated they have it all worked out.

Their license in IL and WI are in good standing.

After discussion, the Board moved to APPROVE the renewal for Independent Plus, Inc.

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**Conversio Health, License No. 64001501A – Renewal Positive Response:**

Amanda Bringe, R.Ph., PIC appeared on behalf of this matter.

Their CA license was placed on probation on September 1, 2021 for a period of three (3) years. This was due to the 2019 FDA findings; they had nine (9) findings and had to stop all compounding, and they did a recall on the compounded drugs. They brought in new employees to correct the issues. FDA came back in July 2021.

Their Texas license is also on probation regarding this matter.

In March 2022, in California a compliance officer completed an inspection, and there were no findings at this time.

After discussion, the Board moved to RENEW Conversio Health's license on AGREED INDEFINITE PROBATION until California probation is lifted with terms and conditions.

Bunton/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**Bet Pharm, LLC, License No. 64000704A – Renewal Positive Response:**

Mika Cheak, R.Ph., PIC appeared on behalf of this matter

Due to the previous PIC's actions, they had action taken on their home state license in Kentucky. Following a 2019 inspection where there were issues with compounding their Kentucky license was placed on probation until August 2025.

They are 99.9% equine and there were no animals harmed in the compounding issues.

In March 2022, the Kentucky Board completed an inspection, and no significant issues were found.

After discussion, the Board moved to RENEW Bet Pharm's license on AGREED INDEFINITE PROBATION until Kentucky probation is lifted with terms and conditions.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**Genoa Health – Remote Dispensing Facility and CSR Application:**

Brent Gordon appeared on behalf of this matter.

The remote dispensing facility will be inside a physician clinic and will only serve the patients of the physicians in the clinic.

After discussion, the Board moved to APPROVE the Remote Dispensing Facility and CSR applications for Genoa Health.

After discussion, the Board moved to RENEW Genoa Health's license.

Balla/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Steve Anderson, Matt Balla, Mark Smosna, Mark Bunton, Jason Jablonski  
The following board members objected: none  
The following board members abstained: none

**PERSONAL APPEARANCES**

The following did not show for their scheduled personal appearance:

**Rebecca Hatton, Tech/Tech in Training – Initial App – Positive Response**  
**Philip House, R.Ph., Score Transfer RPh Application – Positive Response**

**Shalin Patel, R.Ph., - NAPLEX Repeat Exam App:**

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

Let the record reflect that Mark Bunton explained he works for CVS as does Shalin Patel. Mark feels he can be fair and impartial in this matter. Shalin Patel was fine with Mark participating.

After discussion, the Board moved to APPROVE Shalin Patel's NAPLEX repeat exam application.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson  
The following board members objected: none

The following board members abstained: none

**Miracle DeBerry, Tech/Tech in Training – Initial App – Positive Response and Completed Training without a Training License; Supervisor Martell Golston, R.Ph.:**

Miracle DeBerry and Martell Golston both appeared on behalf of this matter and was not represented by counsel.

Let the record reflect that Mark Bunton explained he works for CVS as does Miracle DeBerry and Martell Golston. Mark feels he can be fair and impartial in this matter. Miracle and Martell were both fine with Mark participating.

Miracle explained to the Board that she was with a friend in a car. They were pulled over and the Police found a handgun and Marijuana. She stated that it was her friends, but since he did not own up to it, they were both arrested and charged with dealing. Her court date is scheduled for May 23, 2022, as charges are still pending.

The Board discussed with her about working without a tech in training license.

After discussion, the Board moved to TABLE Miracle DeBerry's application until her court case has been completed. She must return for another appearance once complete.

Anderson/Balla 5/0/0  
Motion carries

The following board members voted aye:

Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson

The following board members objected: none

The following board members abstained: none

After further discussion, the Board requested staff file a complaint on CVS 06484, License No. 60004652A for allowing Ms. DeBerry to work without a license.

**Braxton Frazier, Tech/Tech in Training Initial App – Positive Response:**

Braxton Frazier appeared in person and was not represented by counsel regarding a positive response on his tech/tech in training application.

Let the record reflect that Mark Bunton explained he works for CVS as does Braxton Frazier. Mark feels he can be fair and impartial in this matter. Braxton was fine with Mark participating.

In August 2021, he received a public intoxication/minor consumption for underage drinking. His diversion program with the courts will be completed sometime in June 2022.

His BAC was .134.

After discussion, the Board moved to TABLE Mr. Frazier's application until he has



completed his diversion program. He will need to reappear once complete.

Balla/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson  
The following board members objected: none  
The following board members abstained: none

**Tessia Atkins, Tech/Tech in Training Initial App – Positive Response:**

Ms. Atkins appeared in person and was not represented by counsel regarding a positive response on her tech/tech in training application.

She explained that she had a bad argument with her mom, and she left. Her Mom called the police, and she was charged, but not physically arrested.

Her pretrial diversion agreement is still pending at this time. She is working at Walgreens as a cashier.

After discussion, the Board moved to APPROVE Ms. Atkin's tech/tech in training application as this matter isn't related to pharmacy practice.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson  
The following board members objected: none  
The following board members abstained: none

**Brittany Garza, Tech/Tech in Training Initial App – Positive Response:**

Ms. Garza appeared in person and was not represented by counsel regarding a positive response on her tech/tech in training application.

In 2020, Ms. Garza was drunk and got into an altercation and was charged with Battery. She entered a diversion program which has been completed.

In August 2021 she was charged with harassment.

Recently, February 24, 2022, she was charged with criminal confinement and invasion of privacy. These charges are still pending.

After discussion, the Board moved to TABLE Ms. Garza's application until her recent charges are complete with the courts.

Jablonski/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson  
The following board members objected: none  
The following board members abstained: none

**Tiffany Stubbs, Tech/Tech in Training Initial App – Positive Response:**

Ms. Stubbs appeared in person and was not represented by counsel regarding a positive response on her tech/tech in training application.

She was arrested back in 2008 and according to the court records she still owes \$219 in court fees. The Board requires all fees to be paid in full.

After discussion, the Board moved to APPROVE Ms. Stubbs tech/tech in training application upon proof that she has paid her court fees in full.

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson  
The following board members objected: none  
The following board members abstained: none

**Amoreena Roll, Tech/Tech in Training Initial Application – Positive Response:**

Ms. Roll appeared in person and was not represented by counsel regarding a positive response on her tech/tech in training application.

In November 2021, he was charged with possession of Cocaine and Marijuana, Felony 6. He entered a diversion program. He indicated that he was using because his Father had just passed away a week prior.

His diversion program ends March 16, 2023.

After discussion, the Board moved to TABLE this matter until he has completed his diversion program. He must reappear once complete.

Balla/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson

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

**Carolyn Bacidore, Tech/Tech in Training Initial App – Positive Response:**

Ms. Bacidore appeared in person and was not represented by counsel regarding a positive response on her tech/tech in training application.

In 2011, she received a DUI.

In 2013/2014 she was charged with driving while suspended.

In February 2013, her nursing license was revoked by the Nursing Board. Her husband wrote a fraudulent prescription for her back in 2018; she then gave the pills to her son, who subsequently died from taking the pills.

After discussion, the Board moved to TABLE Ms. Bacidore's application to obtain a mental health evaluation and an addictionology evaluation. She must reappear upon obtaining the evaluations.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Mark Smosna, Mark Bunton, Steve Anderson  
The following board members objected: none  
The following board members abstained: none

**Ibrahim Almachnee, Tech/Tech in Training Initial App – Positive Response:**

Mr. Almachnee appeared in person before the board and was not represented by counsel regarding a positive response on his tech/tech in training application.

Mr. Almachnee previously appeared and because his pharmacists license in Illinois is suspended and he has a pending technician application with Illinois the Board tabled his application for the results in Illinois on his technician application.

The Board impressed to him that his situation in Illinois must be squared away before they would consider issuing him a license.

Mr. Almachnee requested to withdraw his tech/tech in training application. The Board approved his request to withdraw.

CONSENSUS  
Motion carries

The following board members voted aye:

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

### **ADMINISTRATIVE HEARINGS**

The following hearing(s) were continued:

- **Natalie Johnes, R.Ph., License No. 26020814A, Cause No. 2021 IBP 0060**
- **Bailey Moore, Ph.T., License No. 67025253A, Cause No. 2022 IBP 0001**

The following hearing(s) were cancelled:

- **CVS Pharmacy #6611, License No. 60004607A, Cause No. 2022 IBP 0021**

#### **Mary Bennett, Ph.T., License NO. 67004004A, Cause No. 2021 IBP 0005**

Respondent did not appear in person and was not represented by counsel, regarding a request to Withdrawal Probation scheduled before the Board. The State of Indiana was represented by Shanate Terry, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

After discussion, the Board moved to CONTINUE this matter.

Balla/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

#### **Ignacio Contreras, Ph.T., License No. 67033531A, Cause No. 2020 IBP 0046**

Respondent appeared in person and was not represented by counsel regarding a request to Withdrawal Probation scheduled before the Board. The State of Indiana was represented by Shanate Terry, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Zaneta Nunnally, Compliance Director was sworn in as a witness.

Ms. Nunnally testified that the Respondent is in compliance with his probation order. He hasn't submitted a document showing his criminal probation has been completed, but she has reviewed the information on mycase and it does show he successfully completed it.

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.

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**Dalisa Leavelle-Tubbs, Ph.T., License No. 67029976A, Cause No. 2021 IBP 0007**

Respondent appeared in person and was not represented by counsel regarding a request to Withdrawal Probation scheduled before the Board. The State of Indiana was represented by Shanate Terry, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

Respondent has completed her criminal pre-trial diversion program and is currently employed with Walgreens.

States Exhibit:

A – Diversion agreement and motion to dismiss

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.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**Emmanuel Mosi, R.Ph., License No. 26024859A, Cause No. 2018 IBP 0048**

Respondent appeared in person and was represented by counsel, Todd Ess regarding a request 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 was Margie Addington, with Accurate Reporting Services.

Zaneta Nunnally, Compliance Director and Tracy Traut, Program Director with IPRP were both sworn in as witnesses.

The Respondent's sobriety date is September 16, 2017. He received an OWI in 2017 and his license was then renewed on agreed indefinite probation.

Ms. Traut testified that Mr. Mosi entered into a RMA on September 25, 2020. The contract is for three (3) years. He has been completely compliant with his contract.

Ms. Nunnally testified that Mr. Mosi has been compliant with the Board's probation order.

Petitioner's Exhibits

- 1 – Proof of Completion of Probation
- 2 – Copy of Board's order
- 3 – IPRP report
- 4 – Letter from employer

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

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:

Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton

The following board members objected: none

The following board members abstained: none

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

Respondent appeared in person and was not represented by counsel regarding a Petition to Reinstate scheduled before the Board. The State of Indiana was represented by Carolyn Row, Certified Legal Intern and Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

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.

Mr. Bezy was enrolled with PRN, the Board's previous impaired program. He had two (2) positive screens.

He diverted 2, 181 Methadone tablets and 1,395 Hydromorphone/Oxycodone tablets. His license was placed on indefinite suspension.

Ms. Traut testified that he is in a contract with IPRP and has had eighteen (18) drug screens that were all negative. He has been completely compliant from the beginning of his contract.

Mr. Bezy indicated he goes to monthly counseling sessions; and to celebrate recovery group meetings. He has two (2) more years on his contract with IPRP.

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 REINSTATE the Respondent's license on INDEFINITE PROBATION to run concurrent with his IPRP contract with terms and conditions.

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**Kayla Kohlman, R.N., License No. Pending, Cause No. 2022 IBP 0013**

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause/Initial CSR Application scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington, with Accurate Reporting Services.

In July 2021, the Respondent was arrested for a DUI, this case is still pending. The Respondent's APN and RN licenses were placed on indefinite probation at the December 2021 meeting.

Ms. Kohlman indicated that she still drinks occasionally but doesn't drive after drinking.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved APPROVE the Respondent's CSR on INDEFINITE PROBATION to run concurrent with her nursing probation order.

Anderson/Bunton, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**Piper Narey, D.D.S., License No. 12009727A, Cause No. 2019 IBP 0070**

Respondent appeared in person and was represented by counsel, Barclay Wong regarding an Order to Show Cause/Withdrawal of 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 was Margie Addington with Accurate Reporting Services.

Zaneta Nunnally, Compliance Officer was sworn in as a witness.

In 2020, Dr. Narey's CSR was issued on indefinite probation as was his Dental license. He has been with the Dental Board's impaired program for ten (10) years now. His sobriety date is October 13, 1998.

His Dental license is now on active status and his DEA is also active now.

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.

Anderson/Jablonski, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**John Young, D.V.M., License No. 24004946B, Cause No. 2022 IBP 0070**

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause/Reinstatement of CSR 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 was Margie Addington with Accurate Reporting Information.

Dr. Young relinquished his DEA for cause, which automatically suspends his controlled substances registration (CSR). DEA came in because he was writing controlled substances without an active controlled substance registration.

He wrote a total of thirty-five (35) prescriptions with his expired CSR.

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 & RENEW the Respondent's CSR.

Bunton/Jablonski, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none



The following board members abstained: none

**CVS, LLC, License No. 62002188B, Cause No. 2022 IPB 0003**

Respondent appeared in person and was represented by counsel, Harold Hilborn regarding an Order to Show Cause/Positive Response on Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

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. Mr. Hilborn was fine with Mr. Bunton participating.

A supervisor, Jessie Holloway diverted cases of Promethazine from the store. He fled the state and was arrested by U.S. Marshalls at the border of New Mexico.

Mr. Holloway removed the pallets on the weekends and was eventually caught on camera. There were 1,500 bottles of Promethazine missing.

CVS has updated the procedures and security measures to prevent this in the future.

At last month's meeting the Board tabled this matter for answers to the board has the following questions:

- Who is the PIC – did not get an answer to this
- Is Jessie Holloway a pharmacist – no he was not a pharmacist
- How long of a period had this been going on – from November 22, 202 through January 31, 2021

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

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**New Life Center, License No. 61100116B, Cause No. 2017 IBP 0077**

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause/Violation of 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 was Margie Addington with Accurate Reporting Services

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Bunton/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**Right Med Pharmacy, LLC, License No. 60006764B, Cause No. 2022 IBP 0015**

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Ali Fakh, owner appeared on behalf of this matter.

He stated that the DEA issued a MOU for Stat Pharmacy and they put his new pharmacy's name on the MOU which is Right Med Pharmacy. He indicated that Right Med Pharmacy didn't open until April 2021 and the MOU was issued on January 11, 2021.

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

Anderson/Jablonski, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**Stat Pharmacy, License No. 60006684B, Cause No. 2022 IBP 0016**

Respondent appeared in person and was not represented by counsel regarding an Order to Show Cause/CSR Renewal scheduled before the Board. The State of Indiana was not represented in this matter and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Ali Fakh, owner appeared on behalf of this matter.

The MOU with DEA states in part the following:

“On September 28, 2020 DEA conducted an on-site inspection on Stat Pharmacy, a retail pharmacy. The inspection included a controlled substance accountability audit, an examination of controlled substances records/reports and an evaluation of other pharmacy operations related to compliance with the Controlled Substances Act (CSA). During the aforementioned inspection the following violations were identified, which necessitated this MOU:

1. Failure to maintain, on a current basis, a complete and accurate record of each substance sold, delivered, or otherwise disposed of as required by Title 21, Code of Federal Regulations (C.F.R.), § 1304.21(a) and Title 21, United States Code (U.S.C.), § 827(a)(3), in violation of Title 21, U.S.C., § 842(a)(5). In that, the firm's accountability audit revealed significant discrepancies in 16 of the 87 audited controlled substances;
2. Failure to conduct a complete and accurate initial inventory of controlled substances as required by Title 21, C.F.R., § 1304.11(b) and Title 21, U.S.C., § 827(a)(1), in violation of Title 21, U.S.C., § 842(a)(5). In that, the firm did not complete an initial inventory of controlled substances prior to engaging in the business of dispensing to patients;
3. Failure to properly execute DEA-222 Order Forms as required by Title 21, C.F.R., § 1305.12(d), in violation of Title 21, U.S.C., § 828(a). In that, the firm's Pharmacist in Charge signed twelve (12) DEA-222 Order Forms without having a valid Power of Attorney;
4. Failure to record quantity received and date received for all Schedule II controlled substances acquired pursuant to DEA-222 Order Forms, as required by Title 21, C.F.R., § 1305.13(e) and Title 21, U.S.C., § 828(c)(1), in violation of Title 21, U.S.C., § 842(a)(5). In that, the firm failed to annotate quantities received and dates received on thirty four (34) DEA-222 Order Forms;
5. Failure to create a record of the quantity received and date received for all Schedule II controlled substances acquired pursuant to electronic orders, as required by Title 21, C.F.R., § 1305.22(g) and Title 21, U.S.C., § 828(c)(1), in violation of Title 21, U.S.C., § 842(a)(5). In that, the firm failed to create records containing quantity received and date received for 220 electronic transactions conducted through DEA's Controlled Substance Ordering System (C.S.O.S.);
6. Failure to record dates of receipt, on which controlled substances were actually received, as required by Title 21, C.F.R., § 1304.21(d), in violation of Title, 21, U.S.C., § 827(b)(1), in violation of Title 21, U.S.C., § 842(a)(5). In that, the firm failed to include the receiving date on four (4) Schedule III-V receiving records;
7. Failure to maintain complete and accurate prescription records as required by Title 21 C.F.R., § 1306.05(a), and Title 21, U.S.C., § 829 (a) and (b), in violation of Title 21, U.S.C., § 842(a)(1). In that, the firm filled four (4) controlled substance prescriptions that failed to contain the signature of the practitioner, and eleven (11) prescriptions that failed to contain the patient's address;
8. Failure to modify its DEA registration to obtain authorization to be a collector of controlled substances as required by Title 21, C.F.R., § 1301.51(b), § 1317.40(a), and Title 21, U.S.C., § 822(g)(1)(a), in violation of Title 21, U.S.C., § 844(a). In that, the firm accepted four (4) bottles of controlled substances from ultimate users for disposal without first obtaining a

DEA as a collector.”

The Board reviewed the MOU in its entirety.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to RENEW the Respondent’s license on AGREED INDEFINITE PROBATION for the length of the MOU with terms and conditions.

Anderson/Balla, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

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

Respondent did not appear in person and was not represented by counsel regarding an Administrative Complaint/Final Hearing scheduled before the Board. The State of Indiana was represented by Aaron Ridlin, Deputy Attorney General and the court reporter sworn in for this matter was Margie Addington with Accurate Reporting Services.

Let the record reflect that Mark Smosna explained that he is knew the Respondent when she was with Walgreens but feels he can be fair and impartial in this matter. Mr. Ridlin was fine with Mr. Smosna 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 issue a NOTICE OF PROPOSED DEFAULT.

Anderson/Jablonski, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

**DISCUSSION**

**Zaneta Nunnally, Compliance Director Report:**

Ms. Nunnally reported the following:

For the month of March 2022, the Compliance Officers completed the following

inspections:

- 86 CSR
- 12 Home Medical Equipment
- 71 Pharmacy
- 2 Remote Dispensing Facilities

A total of 22 violations were found.

There were zero pharmacy robberies for the month of March.

The Board thanked Ms. Nunnally for her report.

**Tracy Traut – IPRP Report:**

Ms. Traut presented an in-depth report on how the Indiana Professionals Recovery Program (IPRP) works.

The Board reviewed the report and thanked Ms. Traut for preparing it.

**CSR Funds for NAPB registration cost:**

The Board discussed approving CSR funds to pay for the cost of the NABP meeting.

After discussion, the Board moved to APPROVE using the CSR Funds to pay for the travel and registration fees for the NABP meeting for members Mark Bunton, Mark Smosna and Winnie Landis.

Bunton/Anderson, 5/0/0  
Motion carries

The following board members voted aye:  
Jason Jablonski, Matt Balla, Steve Anderson, Mark Smosna, Mark Bunton  
The following board members objected: none  
The following board members abstained: none

There being no further business the Board ADJOURNED at 3:10p.m.