

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency
Indiana Government Center South, Room W064
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF the April 12, 2010 Board Meeting

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Lora Williams called the meeting to order at 8:45 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum with six members present, in accordance with IC § 25-26-13-3.

Board Members Present:

Lora N. R. Williams, JD, President (*Consumer Member*)
William J. Cover, R.Ph., Vice President
Del T. Fanning, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Board Members Not In Attendance:

Steven Anderson, R.Ph., Member

State Officials Present:

Phil Wickizer, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Stacie Barclay, Litigation Specialist, Indiana Professional Licensing Agency
Wanda Levendoski, Compliance Officer, Indiana Professional Licensing Agency
Eric Percy, Compliance Officer, Indiana Professional Licensing Agency
Zaneta Nunnally, Compliance Officer, Indiana Professional Licensing Agency
Tim Thomas, Compliance Officer, Indiana Professional Licensing Agency
Gordon White, Board Advisory Counsel, Office of the Attorney General
Morgan Burton, Deputy Attorney General - Office of the Attorney General
Michael Minglin, Deputy Attorney General - Office of the Attorney General

II. PLEDGE OF ALLEGIANCE

Member Williams led the Board in the Pledge of Allegiance.

III. ADOPTION OF THE AGENDA

A motion was made by Member Landis and seconded by Member St. Angelo to adopt the agenda.

MOTION CARRIED: 6-0-0.

III. ADOPTION OF THE MINUTES FROM PREVIOUS MEETING

Minutes from the March 8, 2010 meeting of the Indiana Board of Pharmacy were not available for approval, but will be available at a future Board Meeting for review and approval.

IV. ADOPTION OF THE MINUTES THE MARCH 26, 2010 MEETING OF THE IN. CONTROLLED SUBSTANCES ADVISORY CMTE.

A motion was made by Member Landis and seconded by Member Wall to approve the minutes as presented.

MOTION CARRIED: 6-0-0.

(**BOARD MEMBER ST. ANGELO LEFT THE MEETING AT APPROXIMATELY 9:00 A.M. FOR A PRE-HEARING CONFERENCE AS BOARD DESIGNEE WITH THE OFFICE OF ATTORNEY GENERAL AND RETURNED TO THE MEETING AT APPROXIMATELY 9:56 A.M.)

IV. PROBATIONARY APPEARANCES

Probationary appearances were conducted by the Compliance Officers in Room W064 of Indiana Government Center South starting at 7AM and a report was made following the morning hearings and lunch break.

- A motion was made by Member Cover and seconded by Member St. Angelo to approve the following probationary appearances:

Ashcraft, Jason
Chavarria, Gilbert
Huntzinger, Mark
Lanting, Emily
Long, Michael
Phillips, Samantha
Stroud, Chad
Walters, Katherine

MOTION CARRIED: 6-0-0.

- A motion was made by Member St. Angelo and seconded by Member Cover to approve the following probationary appearances:

Davis, Tracy
Harter, Larry
Mittelkamp, Elaine
Nair, Harish
Price, Judy

MOTION CARRIED: 6-0-0.

- A motion was made by Member Cover and seconded by Member St. Angelo to approve the following probationary appearances:

Fisher, Patricia
Lindstrom, Charles
Olson, Donn
Rodeman, Linda
Sauer, Edward Jr.

Zehring, Steven

MOTION CARRIED: 6-0-0.

- A motion was made by Member St. Angelo and seconded by Member Cover to approve the following probationary appearances:

Goodge, Thomas
Jacobs, Tony
Miloshoff, James
Strunc, Jeremiah
Weaver, Daniel
Young, Samuel

MOTION CARRIED: 6-0-0.

- The following individuals did not show for their probationary appearances but were excused for Board approved reasons and will be instead making their appearance next month:

Lawson, Mark

- The following individuals did not show for their probationary appearances and the Board voted to issue an Order to Show Cause for failure to appear:

Lyons, Traci – The Board noted that Ms. Lyons communicated through PRN and Staff at Resurrection Healthcare up in Chicago, that she self admitted herself into the treatment facility for a one week period due to a relapse experienced the prior week.

A motion was made by Member Wall and seconded by Member Landis to issue the Order to Show Cause to Traci Lyons. **MOTION CARRIED: 5-1-0.**

V. PERSONAL APPEARANCES

1. Dr. Richard Hinchman

Dr. Hinchman made his second quarterly appearance and provided the Board with reviews of patients involved in the PRN program that the Board is currently monitoring. He provided detail regarding certain cases and provided guidance on how PRN provides and supports recovery programs for different types of participants and what different options the Board can utilize when forming discipline orders and programs. In particular, he reviewed certain probationers that the Board has had concerns with or wanted additional information and follow up, including: Susan Reynolds, Freeborn “Mac” Esigbone, Mark Huntzinger, Tracy Lyons, Mark Lawson, Stephen Szalewski, Tom Goodge, and Phil Faroh. He also answered some questions the Board had regarding how he formulates his opinions and what his evaluations are based in. In particular, he clarified to the Board that his diagnosis and evaluations revolve around the members recovery and safety to be work in an environment in which they might be a danger to themselves or the public in general. He also explained the difficulty that the program has at times working with certain members because PRN is an abstinence based program and doesn’t have a way to monitor individuals that have a need to be on certain drugs.

2. Artie Mason – Pharmacy Technician Application

Artie Mason appeared before the Board because of a positive response on his pharmacy technician application. He was charged with minor consumption of alcohol and was entered into the pre-trial diversion in the county in which he committed the offense. He currently works and goes to school at the same time and the court has allowed him to do his community service and abuse counseling sessions in the summer when he is out of school to

complete the program and his probation. A motion was made by Member Cover and seconded by Member Fanning to issue the applicant a probationary technician certification and to have his probation continue until he certifies to the Board that he has successfully completed the pre-trial diversion program involved with his criminal probation.

Motion Carried 4-0-0.

3. Susan Ford – Pharmacy Technician Application

Susan Ford made a personal appearance before the Board because of a positive response on her pharmacy technician application. She was convicted of a misdemeanor DWI. According to her testimony, this was her first only incident and/or conviction. She is currently in the process of completing her criminal probation and paying all her fines. The Board agreed to issue the applicant a probationary certification that would remain on probation until the applicant completes her criminal probation and submits to the Board proof completion and petitions to have the probation lifted. A motion was made by Member Landis and seconded by Member Cover to issue a probationary certification.

Motion Carried 4-0-0.

4. Amanda Doolittle – Pharmacy Technician Application

Amanda Doolittle appeared before the Board because of a positive response on her pharmacy technician application. She was convicted of a criminal misdemeanor. She was caught stealing from her employer, Wal-Mart, in August of 2009. She was ordered to be on criminal probation for a year, ordered to do community service, pay fines, etc. Her current probation is set to end in December 2010 but she informed the Board she might be released early as she is ahead in completing the terms of her probation. She was terminated from Wal-Mart for the incident and is currently unemployed. The Board voted to give the applicant a certification on indefinite probation. She would be allowed to petition to come off probation when she has submitted proof of successful completion of her criminal probation. A motion was made by Member Landis and seconded by Member Cover to issue a probationary certification.

Motion Carried 4-0-0.

5. Carmella Martin – Pharmacist Renewal Application

Carmella Martin appeared previously before the Board because of a positive response on her pharmacist renewal application. She was previously licensed as a pharmacist but had that license revoked after having serious drug problems. Since that time she has been clean, involved in recovery programs, and served her time. She has also completed all the steps that Board asked her to complete before submitting this application. She has completed all the requisite continuing education the Board required her to take, she has signed up to take the MPJE, she has signed a PRN contract. She is seeking reinstatement of her license today. A motion was made by Member Cover and seconded by Member Fanning to reinstate the applicants license on indefinite probation with all the customary terms and conditions following passage of all the relevant licensure exams required given the number of years she has been expired.

Motion Carried 4-0-0.

6. Edward Sauer, Jr. – Probationary Appearance

Edward Sauer, Jr. was required to make a personal appearance because he missed his first probationary appearance last month after just being allowed to have his pharmacist license reinstated. He testified that he missed his appointment due to a personal mistake and he didn't think he needed to come because he didn't have anything to report to the Board as he wasn't yet working as a pharmacist. The Board let him go with a warning this time but reinforced the importance of showing up on time whether he has had anything occur or not that he would otherwise be required to report to the Board per his Board Order.

Motion Carried 4-0-0.

7. Compliance Officer Reports

- Report from Compliance Officer Eric Percy:

Compliance Officer Percy monthly report for March is incorporated into these minutes by reference. In addition to his written report he provided additional detail about the pharmacist recently arrested for the diversion case in one of the investigations he assisted with. He also explained that he is in the process of assisting with some local pharmacy robberies in his district.

- Report from Compliance Officer Tim Thomas:

Compliance Officer Thomas monthly report for March is incorporated into these minutes by reference.

- Report from Compliance Officer Wanda Levendoski:

Compliance Officer Levendoski monthly report for March is incorporated into these minutes by reference. In addition to her written report, she emphasized that she is continuing to see increased level of violations in the area of outdated medications being left on the shelf in retail pharmacies. She also commented that she is seeing an increase in the number of investigations and robberies concerning prescription drugs.

- Report from Compliance Officer Zaneta Nunnally:

Compliance Officer Nunnally monthly report for March is incorporated into these minutes by reference. In addition to her written report, she discussed several issues related to the licensing of technicians and the what level of paperwork the Board felt that QP's and employer pharmacies have to maintain in their files regarding the training level of techs. What duty to they have to maintain this information, etc. She also discussed some recent issues she was notified of regarding self prescribing cases in Terre Haute.

8. INSPECT Report

Josh Klatte, Program Director for INSPECT, and Taya Fernandes, Stakeholder Relations Coordinator for INSPECT, made their first personal appearance and monthly report to the Board following the passage of SEA 356 that gave the Board direct authority over the Program following the dissolution of the Controlled Substances Advisory Committee. Mr. Klatte discussed the current status of the program, its funding and resources, current statistics, and future plans.

(**BOARD MEMBER WALL LEFT THE MEETING AT APPROXIMATELY 9:30 A.M. FOR A SETTLEMENT CONFERENCE AND RETURNED TO THE MEETING AT APPROXIMATELY 9:59 A.M.)

VI. MISCELLANEOUS

A. Board Director's Report

Director Wickizer reported that the Board had recently hired a new litigation specialist, Stacie Barclay, who will be starting in the coming weeks. Ms. Barclay was previously a case manager for the Indiana State Board of Nursing. In addition, he gave the Board an update on certain economic development projects, updates on the creation of ROEC (the Regulatory Oversight and Evaluation Committee), and certain training opportunities that Board Staff members will be participating in during the coming months, including VAWD training being provided by NABP.

Also, the following subjects were discussed:

1. Renewals: The Board is currently at the end of the renewal cycle for pharmacist interns and will be starting the renewal cycle for all pharmacists and pharmacy technicians. This will be our largest renewal cycle and staff is in the process of making appropriate changes to the website, instructions, and applications to assist in expediting the process.
2. Blue Card Alternatives: Director Wickizer explained to the Board that the Agency is in the process of trying to develop a free alternative and hopes to have a solution ready before the renewal starts on May 1, 2010.
3. Elimination of CSAC: During the 2010 legislative session, the General Assembly dissolved the Indiana Controlled Substances Advisory Committee, which handled matters related to INSPECT and approved the issuance of non-pharmacy facility-based controlled substance registrations. This will involve some additions to the Board's agenda in the future, but will streamline and reduce staff work time by eliminating redundancy and reducing meetings.
4. INSPECT: Moving forward, with the passage of SEA 356, the INSPECT program will start providing monthly reports to the Board via personal appearances following the compliance officer personal appearances/reports. They will also start coming to the Board to prosecute failure to comply cases involving prescription reporting to INSPECT.

B. Legislation: SEA 356 and HEA 1320

Board Director Wickizer reviewed two pieces of legislation that were passed by the General Assembly, signed by the Governor, and impact the Indiana Board of Pharmacy. They include the following:

1. SB 356: Professional Licensing

Professional licensing. Establishes procedures for the attorney general to seize, secure, store, and destroy abandoned or at risk health records and other records containing personally identifying information. Creates a health records and personal identifying information protection trust fund to pay for costs associated with securing and maintaining the records. Allows a criminal history check for employees of home health agencies and personal services agencies to be provided through a private agency. Removes the July 1, 2010 expiration that allows limited criminal histories to be used for employees of home health agencies and personal services agencies. Establishes a uniform procedure to allow a board of a regulated occupation to issue a cease and desist order to an unlicensed person who engages in an activity that requires a license. Repeals and makes conforming changes concerning cease and desist and injunction orders. Merges and changes membership on the cosmetology and barber boards. Relocates barber statutes. Prohibits a person from professing to be a social worker unless the person is licensed as a social worker. Establishes a mental health counselor associate license. Establishes a water well driller and water well pump license. Prohibits a person from installing a water well pump unless the person is licensed. Allows persons who meet certain qualifications to be issued a water well driller and water well pump license without taking the examination. Establishes a continuing education requirement for a water well driller and water pump installer licensee. Eliminates the controlled substances advisory committee and transfers responsibilities to the Indiana board of pharmacy. Provides for automatic revocation of controlled substances permit if a physician's license is revoked. (Current law requires a separate administrative process to take place if physician's license is revoked.) Provides that at a retail pharmacy a controlled substance may not be dispensed to a person who is not personally known to the pharmacist, pharmacy technician, or person authorized by a pharmacist to dispense a controlled substance unless the person taking possession of the controlled substance provides documented proof of the person's identification. Requires the Indiana scheduled prescription electronic collection and tracking program's (INSPECT) data base to include information on a controlled substance recipient's method of payment for the controlled substance dispensed. Allows INSPECT information to be released to the following: (1) state toxicologist; (2) the Medicaid retrospective and prospective drug utilization review program; and (3) a substance

abuse assistance program for certain licensed health care providers. Provides criminal and civil immunity for a practitioner who in good faith provides information to a law enforcement agency based on a report from INSPECT. Requires certain boards to establish prescribing norms and dispensing guidelines for the unsolicited dissemination of INSPECT exception reports to certain persons. Repeals laws concerning the certification of environmental health specialists and licensure of hypnotists. Requires the health finance commission to study the issue of paramedic licensure. Makes conforming changes.

2. **HB 1320: Medication Changes**

Ephedrine and medication substitution. Prohibits a retailer from selling, and a purchaser from purchasing, more than 3.6 grams of ephedrine or pseudoephedrine on one day, or nine grams of ephedrine or pseudoephedrine in a 30 day period. Requires a retailer that sells drugs containing ephedrine or pseudoephedrine to post a sign warning that it is a criminal offense for a person to purchase drugs containing more than certain quantities of ephedrine or pseudoephedrine. Requires the legislative council to assign for study topics concerning: (1) certain issues related to methamphetamines; and (2) notification to a patient's physician of changes in manufacturers of certain prescription medicines.

C. Ethics Training Requirement

All Board Directors were asked to include a reminder in their Board Agendas to discuss the required State Ethics training that all State employees and appointees are required to take every two years. Ethics training is required to be completed by our Agency by April 30, 2010.

D. NABP Guidance on Long Term Care Facilities

The Board was provided guidance issued by the NABP concerning the practice of pharmacy in long term care facilities. That guidance is incorporated herein by reference.

E. PRN Report

The Board was provided with the most recent quarterly report from the Pharmacist Recovery Network regarding participant status and statistics.

F. Dispensary of Hope – VAWD Discussion

The Board was informed that discussions had taken place between Board and NABP staff concerning the VAWD status and application of the Dispensary of Hope out of Nashville, TN. The Dispensary of Hope is a non-profit company that focuses on collection and redistribution of prescription drugs for the uninsured. They collect from clinics, pharmaceutical companies, hospitals, etc., maintain a pedigree, and subsequently redistribute to clinic or pharmacy programs for the uninsured. NABP determined that it was not appropriate at this time to give the Dispensary of Hope VAWD Accreditation, as they do not fit the model. They did however to discuss what they have learned concerning the Dispensary of Hope's operations and policies. The Board resolved to continue to look at ways in which the program can operate safely and legally in the State of Indiana.

VII. OLD/NEW BUSINESS

A. Board Rulemaking – Transfer of Prescriptions

The Board voted to approve the language for the transfer of prescriptions rule that came out of the technology subcommittee. They instructed Board staff to clean up the language and begin the rule promulgation process, including the development of the economic impact statements and fiscal analysis statements. Once the memos are approved an official Notice of Intent will be issued and a public comment hearing will be held to comment on the rule. The language for the rule is incorporated herein by reference and essentially allows the use of new technology to assist in the transfer of prescriptions between pharmacies.

VIII. ADMINISTRATIVE HEARINGS

A. In the Matter of the Indiana Pharmacist License of Christy S. Wade, R.Ph.	
License No.	26018048A
Administrative Cause No.	2009 IBP 0014
Regarding	Petition for Reinstatement
Parties Present	Christy S. Wade
Counsel Present	Mike McMains, Counsel for Petitioner Mike Minglin, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	Carol Dunham, PRN
Witnesses for the State	None
Case Summary	The State and Petitioner entered into a Settlement Agreement purporting to resolve all the standing issues between the parties. There were minor changes made to the Agreement during the pre-hearing settlement conference. Petitioner's license will be reinstated on probation on the traditional terms and conditions along with a requirement that she pay certain fines. Board Member Wall sat in a designee during the Settlement Conference.
Board Action	A motion was made by Member Fanning and seconded by Member Landis to accept the Settlement Agreement.
Vote	Motion Carried 6-0-0
B. In the Matter of the Indiana Pharmacist License of Randall Eckley, R.Ph.	
License No.	26012732A
Administrative Cause No.	2009 IBP 0041
Regarding	Petition for Reinstatement
Parties Present	Randall Eckley
Counsel Present	Mike McMains, Counsel for Petitioner Mike Minglin, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	Carol Dunham, PRN
Witnesses for the State	None
Case Summary	The State and Petitioner entered into a Settlement Agreement purporting to resolve all the standing issues between the parties. There were minor changes made to the Agreement during the pre-hearing settlement conference. Petitioner's license will be reinstated on probation on the traditional terms and conditions. The original case involved prescription fraud and diversion from Mr. Eckley's employer. Board Member Wall sat in a designee during the Settlement Conference.

Board Action	A motion was made by Member Cover and seconded by Member St. Angelo to accept the Settlement Agreement.
Vote	Motion Carried 6-0-0

C. In the Matter of the Indiana Pharmacist License of Edward Certain, R.Ph.

License No.	26014256A
Administrative Cause No.	2009 IBP 0051
Regarding	Final Hearing - Proposed Settlement Agreement
Parties Present	Edward Certain
Counsel Present	Joe Keith Lewis, Counsel for Respondent Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	The State and Respondent entered into a Proposed settlement Agreement. His original license expired in 2002 and he was caught practicing on this license just this last year. This was part of the larger CVS due diligence case that involved the recent two million dollar settlement with the Attorney General's office. The action today was a resolution of this matter along with Respondent's criminal matter with the Grant County prosecutor. As part of the Agreement, the Respondent agrees to fines as well as a two year suspension.
Board Action	A motion was made by Member Cover and seconded by Member St. Angelo to accept the proposed settlement agreement.
Vote	Motion Carried 5-0-1 (Board Member Wall Abstained from voting having participated in the Settlement Conference.)

D. In the Matter of the Indiana Pharmacist License of Phillip Faroh, R.Ph.

License No.	26023044A
Administrative Cause No.	2008 IBP 0062
Regarding	Petition to Modify Probation
Parties Present	Phillip Faroh
Counsel Present	Petitioner was not Represented by Counsel Michael Minglin, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	Carol Dunham, PRN
Witnesses for the State	None
Case Summary	Petitioner came before the Board seeking a modification of his original probation order, specifically; he is seeking a modification of a term and condition that restricts the number of hours he can work in a day and week. He wants to be able to do a 12 hour shift. He has a prospective job offer that was contingent on his being able to work one full 12 hour shift so he can get a full time job. He has submitted letters and documentation and evidence that show he is clean and not relapsing. He has documentation from the State of Illinois and has submitted

	documentation from his sponsors, etc. attesting to his compliance with all the terms and conditions of his probation. There was an issue of confusion with some items on his INSPECT report, but this was resolved with reports from his doctors and disclosure of the fact that he and his father reside at the same address and have the same name. His date of birth also clarifies the issue.
Board Action	A motion was made by Member Cover and seconded by Member Fanning to modify the probation on Petitioner's license.
Vote	Motion Carried 6-0-0

E. In the Matter of the Indiana Pharmacist License of Stephen M. Szalewski, R.Ph.

License No.	26015110A
Administrative Cause No.	1998 IBP 014
Regarding	Petition to Modify Probation
Parties Present	Stephen M. Szalewski
Counsel Present	Petitioner was not Represented by Counsel Michael Minglin, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	Carol Dunham, PRN
Witnesses for the State	None
Case Summary	Petitioner appeared before the Board to request a modification of his original probation order, as he wanted to move his recovery program to the State of Texas and start over among other things. However, in reviewing his INSPECT report, there were several issues that raised concern. At the outset of the hearing, Petitioner was advised multiple times that he had a right to counsel and should consider not proceeding until he had counsel present to represent his best interests. At first, Petitioner asked for a continuance and did not implicate himself in any wrong doing, but then proceeded to discuss certain acts he had committed. Specifically, causing the immediate suspension, where the prescriptions he obtained under false pretenses from his family's doctor that were alleged for his wife but filled in his name. Outside of committing what appears to be prescription fraud, Petitioner admits to obtaining these prescriptions, which he then failed to submit for Board Review during his probationary appearances. Ultimately, he was in violation of multiple tenants of his original probation order. At this time, it is unclear whether or not he was abusing the prescriptions he had obtained. What is clear is that Petitioner was not a good mental state during the process of the hearing. Petitioner presented a clear danger to the public if allowed to continue to practice.
Board Action	A motion was made by Member Cover and seconded by Member Landis to issue an Emergency Suspension on Respondent's License.
Vote	Motion Carried 6-0-0

F. In the Matter of the Indiana Pharmacist License of Erik Blemker, R.Ph.

License No.	26018917A
Administrative Cause No.	2004 IBP 0021
Regarding	Petition to Withdraw Probation
Parties Present	Erik Blemker
Counsel Present	Petitioner was not Represented by Counsel Michael Minglin, Deputy Attorney General for the State of Indiana

Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	Carol Dunham, PRN
Witnesses for the State	None
Case Summary	Petitioner appeared before the Board to request the withdraw of probation from his pharmacist license. Petitioner testified and provided will documented evidence that he had satisfactorily completed all the terms and conditions of his probation. The State made no objections, and PRN testified on Mr. Blemker's behalf that he was a model participant in the program and that they wish they could keep him as a sponsor for the future. Board Member Fanning disclosed before voting that Mr. Blemker is a family friend and will recuse himself from voting if necessary – all parties agreed that his recusal was unnecessary at this time. The Board complimented and congratulated Mr. Blemker on his recovery.
Board Action	A motion was made by Member Landis and seconded by Member Cover to withdraw the probation on Petitioner's License.
Vote	Motion Carried 6-0-0

G. In the Matter of the Indiana Pharmacist License of Alan C. Smith, R.Ph.

License No.	26016831A
Administrative Cause No.	2008 IBP 0061
Regarding	Petition to Withdraw Probation
Parties Present	Alan C. Smith
Counsel Present	Petitioner was not Represented by Counsel Liz Polleys, Certified Legal Intern, Office of the Attorney General Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	Carol Dunham, PRN
Witnesses for the State	None
Case Summary	Petitioner was before the Board to obtain withdraw of the probation status on his pharmacist license. He submitted evidence at the hearing and in advance evidencing full completion of all the terms and conditions of his probation. Originally, he had voluntarily entered himself into a PRN contract. He came in on a confidential self referral. The Board later put him on probation after the situation was disclosed through another matter. He entered into a PRN contract in 2004, and successfully completed his contract in March 2010. His drug of choice was vicodin.
Board Action	A motion was made by Member St. Angelo and seconded by Member Landis to withdraw the probation on Petitioner's License.
Vote	Motion Carried 6-0-0

H. In the Matter of the Indiana Pharmacy Technician Certification of Samuel Young, C.Ph.T.

Certification No.	67005887A
Administrative Cause No.	2008 IBP 0058
Regarding	Petition to Withdraw Probation
Parties Present	Samuel Young

Counsel Present	Petitioner was not Represented by Counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Petitioner was not ready for the hearing as he was still missing his addictionology report, but had an appointment scheduled for later the next month.
Board Action	This Hearing was continued.
Vote	This Hearing was continued

I. In the Matter of the Indiana Pharmacy Technician In-Training Permit of Michael Scott, P.T.I.T.

Permit No.	99037310A
Administrative Cause No.	2009 IBP 0016
Regarding	Petition to Withdraw Probation
Parties Present	Michael Scott
Counsel Present	Respondent was not Represented by Counsel Michael Minglin, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Petitioner was here last month seeking withdraw from probation, but was missing documentation evidencing completion of his training as a pharmacy technician – one of the final components of his probation order. During this hearing, Petitioner provided evidence that he had in fact completed his training and certified to the Board that he had successfully completed all the terms and conditions of his probation.
Board Action	A motion was made by Member St. Angelo and seconded by Member Wall to withdraw probation from Petitioner's certification.
Vote	Motion Carried 6-0-0

J. In the Matter of the Indiana Pharmacy Technician Certification of Adam Wheeler, C.Ph.T.

Certification No.	67006647A
Administrative Cause No.	2008 IBP 0038
Regarding	Order to Show Cause
Parties Present	Adam Wheeler
Counsel Present	Respondent was not represented by counsel Michael Minglin, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the	None

Respondent	
Witnesses for the State	None
Case Summary	Respondent was here before the Board today because of Order to show cause issued by the Board for failure to make his personal appearances. He missed his February appearance, according to testimony, because of class and he subsequently failed to make his March appearance as ordered to make up the difference for missing February. His excuse was that he just spaced it because of other things going on with school, etc. He also has some missing employer reports.
Board Action	A motion was made by Member Wall and seconded by Member Landis to extend the probation on Respondent's certification another 6 months and require appearances from him in July and October of 2010.
Vote	Motion Carried 6-0-0

K. In the Matter of the Indiana Pharmacy Technician Certification of Misty K. Engle, C.Ph.T.

Certification No.	67002312A
Administrative Cause No.	2010 IBP 0002
Regarding	Extension of Summary Suspension
Parties Present	Respondent Did Not Appear
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	Respondent failed to appear at this hearing for Extension of summary suspension. The State has not filed a complaint yet, but there are two pending criminal cases regarding respondent. This was the conspiracy that involved the Rising Sun pharmacy audit and investigation. The State is seeking an extension of summary suspension for another 90 days.
Board Action	A motion was made by Member Landis and seconded by Member St. Angelo to extend for another 90 days the emergency suspension on Respondent's Pharmacy Technician Certification.
Vote	Motion Carried 6-0-0

L. In the Matter of the Indiana Pharmacy Technician In-Training Permit of Amy L. Fowlkes, P.T. I.T.

Permit No.	99038903A
Administrative Cause No.	2010 IBP 0003
Regarding	Extension of Summary Suspension
Parties Present	Respondent Did Not Appear
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	Respondent failed to appear at this hearing for Extension of summary

	suspension. The State has not filed a complaint yet, but there are pending criminal charges in Wayne County. The State is seeking an extension of summary suspension for another 90 days.
Board Action	A motion was made by Member St. Angelo and seconded by Member Cover to extend for another 90 days the emergency suspension on Respondent's Pharmacy Technician In-Training Permit.
Vote	Motion Carried 6-0-0

M. In the Matter of the Indiana Pharmacy Technician In-Training Permit of Leah Nicole Butler, P.T.I.T.	
Permit No.	99032216AA
Administrative Cause No.	2010 IBP 0005
Regarding	Final Hearing
Parties Present	Respondent Did Not Appear
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Lora N. R. Williams, JD, President (<i>Consumer Member</i>) William J. Cover, R.Ph., Vice President Del T. Fanning, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	Respondent did not appear for her hearing. This is a Final hearing on the complaint. The State asked for a notice of proposed default and did not feel an emergency suspension was necessary at this time because the permit was expired.
Board Action	A motion was made by Member St. Angelo and seconded by Member Cover to issue a Notice of Proposed Default.
Vote	Motion Carried 6-0-0

IX. APPLICATIONS

1. Pharmacist Intern Applications

i. Ajit Suri – Intern Hours Waiver Request

A motion was made by Member St. Angelo and seconded by Member Wall to table the application and schedule a personal appearance by the Applicant. **Motion Carried 6-0-0.**

ii. Timothy Matthews – Positive Response on Renewal Application

A motion was made by Member St. Angelo and seconded by Member Fanning to approve the renewal application. **Motion Carried 6-0-0.**

iii. Emmanuel Embuscado – Positive Response on Renewal Application

A motion was made by Member St. Angelo and seconded by Member Fanning to approve the renewal application contingent his providing the remainder of his documentation concerning his criminal probation. **Motion Carried 6-0-0.**

2. Pharmacy Technician Applications

i. Adam Thatcher – Positive Response on Renewal Application

A motion was made by Member Wall and seconded by Member St. Angelo to approve the application. **Motion Carried 6-0-0.**

ii. Courtney Robbins – Positive Response on Renewal Application

A motion was made by Member Wall and seconded by Member St. Angelo to approve the application. **Motion Carried 6-0-0.**

iii. Chrystal Caudill – Positive Response on Renewal Application

A motion was made by Member Wall and seconded by Member St. Angelo to have the Applicant make a personal appearance and provide more information regarding the issues with her CNA license and the Indiana State Department of Health. **Motion Carried 6-0-0.**

3. Controlled Substances Registration Applications

The following Controlled Substances Registration Applications were approved by the Board pending satisfactory completion of their inspections. They had previously been recommended for approval by the Controlled Substances Advisory Committee, who at their last meeting (in March 2010) did not have the requisite number of members present to achieve a quorum and sustain the vote independent of official Board Action. Accordingly, the motion was made by Member Fanning and seconded by Member St. Angelo to approve the following applications:

- i. Animal League of Montgomery County – Positive Response Renewal Application
- ii. MicroWorks, Inc. – Crown Point
- iii. Muffin Incorporated – West Lafayette
- iv. Purdue University/Robyn R. McCain – West Lafayette
- v. IUSM-SB/Velazquez Lab – South Bend
- vi. IUPUI – Bioelectronics Laboratory/Ken Yoshida – Indianapolis
- vii. Indiana School of Medicine/LARC – Indianapolis
- viii. Eye Specialists Surgery Center LLC – Muncie
- ix. Eye Specialists Surgery Center LLC – Marion
- x. LaGrange Surgical Center – LaGrange
- xi. IU School of Medicine – Wells Center for Pediatric Research/Shreevrat Goenka – Indianapolis
- xii. Indiana University School of Medicine/David Canal, MD – Indianapolis
- xiii. IUPUI School of Science/Guoli Dai – Indianapolis

Motion Carried 6-0-0.

4. Prescription Pad Provider Applications

- i. Workflow One – Community Health Network

A motion was made by Member Wall and seconded by Member Cover to approve the application. **Motion Carried 6-0-0.**

5. Continuing Education Applications

The following Continuing Education Applications were approved for official credit. A motion was made by Member Cover and seconded by Member Fanning to approve the following applications:

- i. Ann Yates for 4-1 credit hours and 1-6.5 credit hours
- ii. Sarah Pehlke for .5 credit hours
- iii. Elayne Ansara for .5 credit hours
- iv. Parkview Health for 1 credit hours
- v. Melanie Kuester for 1.5 credit hours

Motion Carried 6-0-0.

X. FINAL NOTES PRIOR TO ADJOURNMENT

- Review of materials submitted by the Pharmacy Technician Academy. Board Member Landis reviewed the box of materials that was submitted by the Pharmacy Technician Academy and made a list of instructions and requests which she requested (and the Board agreed) that the Program provide before the Board would be willing to consider their program for approval again. After reviewing the materials submitted, Board Member Landis was concerned that there was little to no consistency between students and the manner in which testing was applied (along with the type of questions asked during the examinations).
- PTCB and Technician Issues: The Board requested that staff begin to research and compile statistics related to potentially making a recommendation to make PTCB and/or some other tests the only means of becoming a certified pharmacy technician in the State of Indiana.

(BOARD MEMBER LANDIS LEFT THE MEETING AT APPROXIMATELY 4:40 P.M.)**

XI. ADJOURNMENT

President Williams adjourned the meeting at approximately 4:50 p.m.

Lora N. R. Williams, J.D., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, May 10, 2010
Indiana Government Center South
Room W064 of the Indiana Professional Licensing Agency