

INDIANA BOARD OF PHARMACY

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

MINUTES OF the October 1, 2012 Board Meeting

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Del Fanning called the meeting to order at 8:40 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum with 5 members present, in accordance with IC § 25-26-13-3.

Board Members Present:

Del T. Fanning, R.Ph., President
Donna S. Wall, PharmD., R.Ph., Member
Lora N. R. Williams, JD, Member (*Consumer Member*)
William J. Cover, R.Ph., Member
Steven Anderson, R.Ph., Member

Present At: 8:40 a.m.

Board Members Not In Attendance:

Sara St. Angelo, PharmD., R.Ph., Vice President
Winnie Landis, R.Ph., Member

State Officials Present:

Greg Pachmayr, Director, Indiana Professional Licensing Agency
Amy Hall, Assistant Board Director, Indiana Professional Licensing Agency
Deborah Frye, Compliance Director, Indiana Professional Licensing Agency
Jackie Day, 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
Lorena Sipe, Compliance Officer, Indiana Professional Licensing Agency
Gordon White, Board Advisory Counsel, Office of the Attorney General
Darren R. Covington, Deputy Attorney General - Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made by Member Anderson and seconded by Member Cover to adopt the agenda.

MOTION CARRIED: 5-0.

III. ADOPTION OF THE MINUTES FROM PREVIOUS MEETING

A motion was made by Member Williams and seconded by Member Cover to approve the minutes from the previous meeting. **Motion Carried 5-0.**

IV. FULL BOARD APPEARANCES

A. CNA Institute Technician Training Program

Representatives from the CNA Institute failed to appear, again. A motion was made by Member Wall and seconded by Member Williams to **deny** the CNA Institute's Technician Training Program. The **Motion Carried 5-0-0**.

B. John Hertig – IPPM Task Force

Mr. Hertig appeared to inform the Board of the IPPM Task Force and the Pharmacy Model Practice Initiative.

V. STANDING COMMITTEE MEETINGS

9:30 – 11:00 a.m.

A. Administration and Licensing Committee (Room W064)

The Administration and Licensing Committee met at 9:30 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204.

Board Members Present:

Donna Wall
Lora Williams

Staff Officials Present:

Amy Hall
Greg Pachmayr

Personal Appearances – Individuals

Name: Joshua Elsbury

Application type: Previous Tabled

Reason for personal appearances: Due to return Oct. meeting

Notes: Elsbury did not appear

Committee recommendation to full Board: deny

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **deny** the motion carried 5-0-0.

Name: Erica Duran

Application type: Pharmacist

Reason for personal appearances: test retake

Committee recommendation to full Board: approve

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve** the motion carried 5-0-0.

Name: Jennifer Harvey

Application type: Pharmacy Technician

Reason for personal appearances: Previously Tabled

Notes: Harvey did not appear

Committee recommendation to full Board: deny

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **deny** the motion carried 5-0-0.

Name: Heather Woodall

Application type: renewal

Reason for personal appearances: Previously tabled renewal waiting for documentation

Committee recommendation to full Board: approve

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve** the motion carried 5-0-0.

Name: Lisa Krejci

Application type: Pharmacy technician

Reason for personal appearances: positive response

Committee recommendation to full Board: approve

Prepared by Greg Pachmayr and Board of Pharmacy Staff
Indiana Board of Pharmacy

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve** the motion carried 5-0-0.

Name: Ghada EL-Bolkiny

Application type: Retake MPJE

Reason for personal appearances: Retake MPJE

Committee recommendation to full Board: approve

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve** the motion carried 5-0-0.

Name: Phouc Pham

Application type: Pharmacy intern

Reason for personal appearances: positive response

Committee recommendation to full Board: Probation

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve on probation** the motion carried 5-0-0.

Applications

Individual Applications

Name: Lee Lincoln

Application Type: Pharmacist

Reason for Application Review: Positive Response

Notes: Application is not yet complete, waiting for CBC and other materials

Committee recommendation to full Board: Table, request full Board appearance

After a discussion with the full Board, a motion was made by Member Cover and seconded by Member Wall to **table** the motion carried 5-0-0.

Name: Henry Schein, Inc.

Application Type: Renewal

Reason for Application Review: Positive Response

Committee recommendation to full Board: approve

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve** the motion carried 5-0-0.

Name: Medisca, Inc.

Application Type: Renewal

Reason for Application Review: Positive Response

Committee recommendation to full Board: person appearance request

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **require a personal appearance** the motion carried 5-0-0.

Name: Doneka Bullock

Application Type: pharmacy technician

Reason for Application Review: positive response

Committee recommendation to full Board: Personal appearance

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **require a personal appearance** the motion carried 5-0-0.

Name: Kathy Harris

Application Type: pharmacy technician

Reason for Application Review: positive response

Committee recommendation to full Board: Personal appearance

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **require a personal appearance**, the motion carried 5-0-0.

Name: Lauren Rose

Application Type: pharmacy technician

Reason for Application Review: positive response

Committee recommendation to full Board: approve

After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve** the motion carried 5-0-0.

Prepared by Greg Pachmayr and Board of Pharmacy Staff
Indiana Board of Pharmacy

Name: Lisa Golly
Application Type: pharmacy technician
Reason for Application Review: positive response
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Wall to **approve**, the motion carried 5-0-0.

Continuing Education Applications

Applicant name: Danielle Ruddick
CE title: Management of Patient with Advanced Heart Failure
Speaker/Presenter: Danielle Ruddick
Date: October 1, 2012
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

Applicant name: David Herrin
CE title: Franciscan St. Francis Cardiovascular Symposium 2012
Location: St. Francis
Speaker/Presenter: David Herrin
Date: October 1, 2012
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

Applicant name: Kelli Lovell
CE title: Stroke Prevention in Atrial Fibrillation
Speaker/Presenter: Kelli Lovell
Date: October 1, 2012
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

Applicant name: Don Newman
CE title: VTE Prophylaxis
Speaker/Presenter: Don Newman
Date: October 1, 2012
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

Applicant name: Melanie Kuester
CE title: Management of UA/NSTEMI: Updates and Controversies
Speaker/Presenter: Melanie Kuester
Date: October 1, 2012
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

Applicant name: Melanie Kuester
CE title: Opiate Conversions
Speaker/Presenter: Melanie Kuester
Date: October 1, 2012
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

Applicant name: Carol Myers
CE title: Emergency Medicine Symposium
Prepared by Greg Pachmayr and Board of Pharmacy Staff
Indiana Board of Pharmacy

Speaker/Presenter: Carol Myers

Date: October 1, 2012

Committee recommendation to full Board: approve

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Williams to **approve**, the motion carried 5-0-0.

B. Compliance Committee (Quigley Conference Room)

The Compliance Committee met at **9:30** a.m. in Quigley Conference Room of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204.

Board Members Present:

Bill Cover

Steve Anderson

Staff Officials Present:

Deborah Frye

Eric Percy

Zaneta Nunnally

Wanda Levendoski

Lorena Sipe

Facility Appearances

Entity Name: Long Term Care facility located in Greenfield

Representative: (Discussion only)

Reason for Appearing: Question about procedure for donating unused medication to Michigan based nonprofit organization serving low income patients.

Notes: Suggested organizing a regional drug depository or contracting with a re-distributor for supply of medications. Procedures will need to come before the Board for approval.

Discussion: Prescriptions filled with generic substitutions should have the actual drug name (contents) placed on the bottle. Example used: Coumadin, worfarin and jantivan.

Application Review

Name: Emergency Medical Products, Inc.

Application Type: Relocation of Wholesale Drug Dist. Facility/VAWD accreditation

Reason for Application Review: An onsite review of the new location is required for accreditation.

Notes: Will monitor the progress of accreditation for the Cudahy, WI location.

Committee recommendation to full Board: Six month grace period of operation to obtain VAWD accreditation. Request facility keep the Board informed of progress.

After a discussion with the full Board, a motion was made by Member Cover and seconded by Member Williams to approve, the motion carried 5-0-0.

COMPLIANCE REPORTS

Compliance Director Report

Compliance Director Frye's delivered the compliance report orally to the Full Board.

Compliance Officer Reports

Report from Compliance Officer Eric Percy:

- Compliance Officer Percy's monthly report is incorporated into these minutes by reference.

Report from Compliance Officer Tim Thomas:

- Compliance Officer Thomas's monthly report is incorporated into these minutes by reference.

Report from Compliance Officer Zaneta Nunally:

- Compliance Officer Nunally's monthly report is incorporated into these minutes by reference.

Report from Compliance Officer Amy Phillips:

- Compliance Officer Phillips's monthly report is incorporated into these minutes by reference.

Report from Compliance Officer Lorena Sipe:

- Compliance Officer Sipe's monthly report is incorporated into these minutes by reference.

Probation Appearances Review

Probationary appearances were conducted by the Compliance Officers in Room W064 of the Indiana Government Center South starting at 7:30 a.m.

- Compliance Officer Percy conducted the following probationary appearances, and a motion was made by Member Cover and seconded by Member Anderson to approve the following probationary appearances:

Julie Coble
Thomas Goodge
Robert Hudson
Jordon Nuger

Motion Carried 5-0-0

- Compliance Officer Nunnally conducted the following probationary appearances, and a motion was made by Member Cover and seconded by Member Anderson to approve the following appearances:

Emily Lanting
Jared Baker

Motion Carried 5-0-0

- Compliance Officer Sipe conducted the following probationary appearances, and a motion was made by Member Cover and seconded by Member Anderson to approve the following probationary appearances:

Gilbert Chavarria
Donovan Higgins
Charles Lindstrom
Nicholas Meyers
Donn Olson

Motion Carried 5-0-0.

- Compliance Officer Wagner conducted the following probationary appearances, and a motion was made by Member Cover and seconded by Member Anderson to approve the following probationary appearances:

Travis Kleingartner
Stephanie Muir

Motion Carried 5-0-0

- Compliance Director Frye conducted the following probationary appearances, and a motion was made by Member Cover and seconded by Member Anderson to approve the following probationary appearances:

Louis Schimenti
Donnielle Shead
Wes Gillman

Motion Carried 5-0-0

The following individuals did not appear for their probationary appearances:

Robert Ransdell

C. INSPECT Committee (Quigley Conference Room)

The INSPECT Committee met at 9:30 a.m. in the Quigley Conference Room, Room W072 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204.

Board Members Present:

William Cover
Steve Anderson

Staff Officials Present:

Marty Allain
Greg Pachmayr
Jackie Day
Taya Fernandes
Kara Gordon

INSPECT Appearances

Business name: Putnam County Hospital Pharmacy
Representative: Kyle
Reason for personal appearances:
Notes: Didn't become compliant within 7 day time frame. Have submitted files to Kara from April to present.
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Cover and seconded by Member Anderson to **approve**, the motion carried **5-0-0**.

INSPECT Reports

INSPECT Director's Report

Marty Allain delivered the INSPECT report orally to the full Board.
INSPECT requested to expand to Methodist Hospital until the end of the year. Member Wall recused herself. After a discussion with the full Board, a motion was made by Member Williams and seconded by Member Cover to **approve**, the motion carried **4-0-1**.

Controlled Substance Registration Applications

Entity name: IU School of Medicine
Applicant: Peter Roach
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Anderson and seconded by Member Wall to **approve**, the motion carried **5-0-0**.

Entity name: IU School of Medicine
Applicant: Rajesh Khanna
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Anderson and seconded by Member Wall to **approve**, the motion carried **5-0-0**.

Entity name: Short Term Offender Program
Applicant: Rachel Johnson
Notes: Unclear of what the facility is and the board request a phone call for more information.
Committee recommendation to full Board: Need more information to make a decision. Tabled.
After a discussion with the full Board, a motion was made by Member Anderson and seconded by Member Wall to **table**, the motion carried **5-0-0**.

Entity name: Multi-Specialty Surgery Center
Applicant: Marissa Hughs
Committee recommendation to full Board: approve
After a discussion with the full Board, a motion was made by Member Anderson and seconded by Member Wall to **approve**, the motion carried **5-0-0**.

VI. STANDING COMMITTEE DEBRIEFING/VOTE 11:00 a.m. (or following Standing Committee Meetings) (Room W064)

VII. MISCELLANEOUS

A. Board Director

VIII. Old/New Business

A. Discussion of LSA #12-493(E)

- B. Take Back “model record keeping log” discussion
The Board asked to clarify column 4 on the draft
- C. Auto Refill software Question
The board requested more information concerning the matter. It was unclear what was being asked.
- D. Healthcare Providers- Questions regarding usb as a medical device
The Board discussed the request and decided that the company should follow HIPPA guidelines and privacy best practices, but that the usb as presented to them did not constitute a medical device. A motion was made by Member Cover and seconded by Member Williams. Motion Carried 5-0-0.

IX. ADMINISTRATIVE HEARINGS

A. In the Matter of the Indiana Pharmacist License of Louis Schimenti, R.Ph.	
License No.	26015238A
Administrative Cause No.	2011 IBP 0010
Regarding	Petition to Modify Probation
Parties Present	Louis Schimenti
Counsel Present	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Wants to modify his restriction for his probation. He wants work 44-48 hours/week. The board set new restrictions: 48 hours/week, only two 12 hour shifts/week non consecutive.
Board Action	A motion was made by Member Anderson and seconded by Member Williams to approve.
Vote	Motion Carried <u>5-0-0</u> .

B. In the Matter of the Indiana Pharmacist License of Dennis Flanagan, R.Ph.	
License No.	26019224A
Administrative Cause No.	2012 IBP 0067
Regarding	Final Hearing
Parties Present	None
Counsel Present	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	N/A. Continuance.
Board Action	A motion was made by Member Williams and seconded by Member Wall

	to approve the continuance.
Vote	Motion Carried <u>5-0-0</u> .

C. In the Matter of the Indiana Pharmacist License of Douglas Fodrocy, R.Ph.

License No.	26013096A
Administrative Cause No.	2012 IBP 0067
Regarding	Final Hearing
Parties Present	Douglas Fodrocy
Counsel Present	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	Paul Suiters, Kroger LG Manager
Case Summary	State request license discipline for respondent who forged prescriptions and dispensed them for his family and himself. The board decides to give respondent a 6 month suspension, but it does not start until he renews his license. Respondent also needs to attend counseling and provide proof of his mental capacity/stability and complete 5 hours of continuing education on ethics before he can become before the board to get the suspension withdrawn.
Board Action	A motion was made by Member Cover and seconded by Member Anderson to approve.
Vote	Motion Carried <u>5-0-0</u> .

D. In the Matter of the Indiana Pharmacy Technician In-Training Permit of Clarence Thompkins, P.T.I.-T.

Permit No.	9908573A
Administrative Cause No.	2012 IBP 0070
Regarding	Default Hearing
Parties Present	Thompkins did not appear
Counsel Present	None Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Respondent did not appear. He was found in default resulting in suspension and a \$250 fine.
Board Action	A motion was made by Member Cover and seconded by Member Williams to hold respondent in default. A motion was made by Member Williams and seconded by Member Cover to indefinitely suspend the permit and a fine of \$250.
Vote	Both Motions Carried <u>5-0-0</u> .

E. In the Matter of the Indiana Pharmacist Intern Registration of Daniel Rushton, R.Ph.I.

Registration No.	45016775A
Administrative Cause No.	2012 IBP 0071
Regarding	Default Hearing
Parties Present	Rushton did not appear
Counsel Present	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Respondent did not appear. Found in default resulting in 2 years of probation and a \$500 fine.
Board Action	A motion was made by Member Williams and seconded by Member Anderson to hold Respondent in default. A motion was made by Member Williams and seconded by Member Anderson to place Respondent on Probation and issue a \$500 fine.
Vote	Both Motions Carried <u>5-0-0.</u>

F. In the Matter of the Indiana Pharmacy Technician Certification of Robert Ransdell, C.Ph.T.

License No.	67014722A
Administrative Cause No.	2012 IBP 0056
Regarding	Order to Show Cause
Parties Present	Robert Ransdell
Counsel Present	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Respondent did not comply with the terms of his probation. He wants to voluntarily surrender his license.
Board Action	A motion was made by Member Cover and seconded by Member Wall to approve the surrender.
Vote	Motion Carried <u>5-0-0.</u>

G. In the Matter of the Indiana Pharmacist License of Danyel Franklin, C.Ph.T.

License No.	67016073A
Administrative Cause No.	2012 IBP 0083
Regarding	Petition for Summary Suspension
Parties Present	Danyel Franklin
Counsel Present	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General

Participating Board Members	Del T. Fanning, R.Ph., President Steven Anderson, R.Ph., Member Donna Wall, Member Bill Cover, Member Lora N. R. Williams, JD, Member (<i>Consumer Member</i>)
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	State wants Emergency Suspension for her pending drug charges. The board issued a 90 day suspension to see the results of her pending criminal charges.
Board Action	A motion was made by Member Cover and seconded by Member Williams to approve a 90 day suspension.
Vote	Motion Carried <u>5-0-0</u> .

VII. ADJOURNMENT

President Fanning adjourned the meeting at approximately 5:21 p.m.

Next Scheduled Meeting:

Monday, November 5, 2012
Indiana Government Center South
Room W064 of the Indiana Professional Licensing Agency