

# **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 7, 2013 Board Meeting**

### **I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer Sara St. Angelo called the meeting to order at 8:47 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum with 4 members present, in accordance with IC § 25-26-13-3.

#### **Board Members Present:**

Sara St. Angelo, PharmD., R.Ph., President  
Winnie Landis, R.Ph., Member  
Donna S. Wall, PharmD., R.Ph., Member  
Del T. Fanning, R.Ph., Member

**Present At:** 8:47 a.m.

#### **Board Members Not In Attendance:**

Steven Anderson, R.Ph., Vice President  
William J. Cover, R.Ph., Member

#### **State Officials Present:**

Greg Pachmayr, Board Director, Indiana Professional Licensing Agency  
Amy Hall, Assistant Board Director, Indiana Professional Licensing Agency  
Deborah Frye, Compliance Director, Indiana Professional Licensing Agency  
Jessi Rager, Litigation Specialist, Indiana Professional Licensing Agency  
Zaneta Nunnally, Compliance Officer, Indiana Professional Licensing Agency  
Amy Phillips, Compliance Officer, Indiana Professional Licensing Agency  
Tim Thomas, 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 Wall and seconded by Member Fanning to adopt the agenda.

**MOTION CARRIED: 4-0-0**

### **III. ADOPTION OF THE MINUTES FROM PREVIOUS MEETING**

A motion was made by Member Wall and seconded by Member Fanning to approve the minutes from the previous meeting. **Motion Carried 4-0-0**

## IV. FULL BOARD APPEARANCES

- i. Community Health Network—Design/build of a modular clean room with newer technology

Jim O'Donnell, Chief Pharmacy Officer, Community Health Network  
Gregory S. Burger, Senior Consultant, Visante Inc.  
Dan Pitulia, CEO, QLeanAir  
Johan Ehn, VP of Business Development, QLeanAir

Community was looking for a flexible design that they could easily expand or pull out of the market if they needed to. Idea is to stop outsourcing the production of entities that there is usually a shortage of. No controlled substances will be produced to start out with. Two possible sites where this could possibly go- Community North or Community East.

## V. STANDING COMMITTEE MEETINGS

9:30 – 11:00 a.m.

### A. Administration and Licensing Committee (Room W064)

The Administration and Licensing Committee met at 9:34 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204.

#### **Board Members Present:**

Sara St. Angelo  
Donna Wall

#### **Staff Officials Present:**

Amy Hall

#### **Personal Appearances – Individuals**

Name: Maris Lynn Thomas

Application Type: Pharmacy Technician Renewal

Reason for personal appearances: Positive Response

Notes: Was arrested for an OWI with a BAC of .11. No arrests since the OWI. Arrested in 2001 for underage drinking charges. Last worked in a pharmacy in December of 2008.

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Fanning to **approve**, the motion carried 4-0-0.

#### **Applications**

##### **Individual Applications**

Name: Curtis Lucas

Application Type: Pharmacist 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 President St. Angelo and seconded by Member Landis to **approve**, the motion carried 4-0-0.

Name: Lucas Smedley

Application Type: Intern Registration

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Needs personal appearance

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Kacey Rauner

Application Type: Pharmacy Technician

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **approve**, the motion carried 4-0-0.

Name: Jacqueline Maxfield

Application Type: Pharmacy Technician

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Personal Appearance

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Eric Adam Wargel

Application Type: Intern Registration

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Personal Appearance

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Ruby Jean Davis

Application Type: Pharmacy Technician

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Deny

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Fanning to **deny**, the motion carried 4-0-0.

Name: Luke Shadiow

Application Type: Intern Registration

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Personal appearance

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Courtney Schindler

Application Type: Intern registration

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Personal Appearance

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Melissa Fuentes

Application Type: Pharmacy Technician

Reason for personal appearances: Previously tabled

Committee recommendation to full Board: Personal Appearance

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Jessica Bryant

Application Type: Pharmacy Technician

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **approve**, the motion carried 4-0-0.

Name: Jerry Chapman

Application Type: Intern Registration

Reason for personal appearances: Positive Response

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **approve**, the motion carried 4-0-0.

Name: Ashley Dorsey

Application Type: Pharmacy Technician

Prepared by Greg Pachmayr, Director  
Indiana Board of Pharmacy

Reason for personal appearances: Positive Response  
Committee recommendation to full Board: Personal Appearance  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Danette Cooper  
Application Type: Pharmacist Renewal  
Reason for personal appearances: Positive Response  
Committee recommendation to full Board: Personal Appearance  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Tracy Smith  
Application Type: Pharmacy Technician  
Reason for personal appearances: Positive Response  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **approve**, the motion carried 4-0-0.

Name: Evan Smith  
Application Type: Pharmacy Technician  
Reason for personal appearances: Positive Response  
Committee recommendation to full Board: Personal Appearance  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Roneka Breland  
Application Type: Pharmacy Technician  
Reason for personal appearances: Positive Response  
Committee recommendation to full Board: Personal Appearance  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **require a personal appearance**, the motion carried 4-0-0.

Name: Lauren Whitaker  
Application Type: Pharmacy Technician  
Reason for personal appearances: Positive Response  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Wall to **approve**, the motion carried 4-0-0.

Name: Patricia Schuster  
Application Type: Pharmacist Renewal  
Reason for personal appearances: Expired over 3 Years  
Committee recommendation to full Board: Table  
After a discussion with the full Board, a motion was made by President St. Angelo and seconded by Member Landis to **table**, the motion carried 4-0-0.

#### ***Application Review- Facility***

No Facility Applications.

#### ***Continuing Education Applications***

Applicant name: Elayne Ansara  
CE title: Micronutrient Deficiency  
Location: Myers Auditorium  
Speaker/Presenter: Mary Blair  
Date: September 10, 2013  
Number of CE hours: .5  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Jessica Triboletti  
CE title: A New Organ, A New Life—But Lots of New Information  
Location: RLR VA Auditorium  
Speaker/Presenter: Lori Parker  
Date: September 10, 2013  
Number of CE hours: 1.0  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Danielle Ruddick  
CE title: Improving Care of Patients with Advanced Illness  
Location: IU Health Ball Memorial Hospital  
Speaker/Presenter: Dr. Debra Litzelman  
Date: September 11, 2013  
Number of CE hours: 1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Don M. Newman  
CE title: Updates in Endoscopic Management of Esophageal Cancer  
Location: Morton Plant Hospital, Clearwater, Florida  
Speaker/Presenter: Abhitabh Patil, M.D.  
Date: September 3, 2013  
Number of CE hours: 1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Don Newman  
CE title: Creating A Compliant Patient: A Three D Approach  
Location: Clearwater, Florida  
Speaker/Presenter: Jeanmarie Scordino  
Date: September 10, 2013  
Number of CE hours: 1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Don Newman  
CE title: Emerging Therapies for Multiple Sclerosis  
Location: Clearwater, Florida  
Speaker/Presenter: Jean Raphael Schneider  
Date: September 17, 2013  
Number of CE hours: 1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Jeffrey Starkey  
CE title: Battling the Superbug: Optimizing Dosing Strategies to Combat Multi-Drug Resistant Organisms  
Location: Evansville, Indiana  
Speaker/Presenter: Jeffrey Starkey  
Number of CE hours: 1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Katie Theising  
CE title: Stress Ulcer Prophylaxis  
Prepared by Greg Pachmayr, Director  
Indiana Board of Pharmacy

Location: Deaconess Hospital, Evansville, Indiana  
Speaker/Presenter: Katie Theising  
Date: May 7, 2013 & October 3, 2013  
Number of CE hours:1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Don Newman  
CE title: Is There a Doctor In the House?  
Location: Clearwater, Florida  
Speaker/Presenter: Nicole Mead  
Date: September 24, 2013  
Number of CE hours: 1  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Keith Huff  
CE title: 2013 Annual Meeting  
Location: Myers Auditorium  
Speaker/Presenter: Various  
Date: May 31 - June 4, 2013  
Number of CE hours: 25  
Notes: Needs more information  
Committee recommendation to full Board: Table.  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **Table for more information**, the motion carried **4-0-0**.

Applicant name: Lauren McNace  
CE title: Neurosyphilis: Patient Care  
Location: Parkview Regional Medical  
Speaker/Presenter: Lauren McNace  
Date: September 24, 2013  
Number of CE hours: .5  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant name: Kelli Lovell  
CE title: Herbals  
Location: Deaconess Hospital Auditorium  
Speaker/Presenter: Brandon Arthur  
Date: October 24, 2013  
Number of CE hours: 1  
Committee recommendation to full Board: Approved  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Applicant: CIAP  
CE title: Palliative Care  
Number of CE hours: 1.5  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

***Controlled Substance Registration Applications***

Entity name: Indiana University School of Medication Dept. of Pathology  
Notes: CSR Change of Address  
Committee recommendation to full Board: Approve  
Prepared by Greg Pachmayr, Director  
Indiana Board of Pharmacy

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Fanning to **approve**, the motion carried **4-0-0**.

Entity name: SCP Indianapolis LLC

Applicant: Erin Braun

Notes: RN in charge. Has to have a CSR

Committee recommendation to full Board: Table

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **approve**, the motion carried **4-0-0**.

Entity name: Indiana University School of Medicine Microsurgery Lab

Applicant: Jing Ge

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Fanning to **approve**, the motion carried **4-0-0**.

Entity name: Special O.P.S K9 Academy Inc.

Notes: CSR Schedule Change

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Fanning to **approve**, the motion carried **4-0-0**.

Entity name: Wabash College

Applicant: Neil Schmitzer-Torbert

Notes: CSR Schedule Change

Committee recommendation to full Board: Table

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Landis to **Table**, the motion carried **4-0-0**.

Entity name: Purdue University

Applicant: Riya Shi

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Fanning to **approve**, the motion carried **4-0-0**.

Entity name: IU Health

Applicant: Tim Carson

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Wall and seconded by Member Fanning to **approve**, the motion carried **4-0-0**.

### **B. Compliance Committee (Quigley Conference Room)**

The Compliance Committee met at **9:34** a.m. in Conference Room A of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204.

#### ***Board Members Present:***

Dell T. Fanning

Winne A. Landis

#### ***Staff Officials Present:***

Deborah Frye

Tim Thomas

Zaneta Nunnally

Amy Phillips

Lorena Sipe

#### ***Facility Appearances***

Entity Name: Rush Memorial Remote Location

Representative: Greg Pratt

Prepared by Greg Pachmayr, Director  
Indiana Board of Pharmacy

Reason for Appearing: Remote Location permit for cancer center building adjacent to main hospital.

Notes: Med Dispense cart.

Committee recommendation to full Board: Approved

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

### ***Individual Appearances***

No Individual Appearances.

### ***Application Review:***

Name: Express Scripts

Reason for Review: Change of Ownership Application, positive response

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: Wal-Mart Pharmacy

Reason for Review: Pharmacy License Application, positive response

Notes:

Committee recommendation to the full Board, Approve

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

### ***Non-Resident Reviews***

Name: Professional Compounding Pharmacy

Application type: Non-Resident Pharmacy Application

Notes: Documentation of 797/795 compliance, statement declaring no sterile compounding, method of patient contact without web presence.

Committee recommendation to full Board: Tabled

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **Table**, the motion carried **4-0-0**.

Name: Central Rx Pharmacy & Medical Supply LLC

Application type: Non-Resident Pharmacy Application

Notes: Incomplete application

Committee recommendation to full Board: Tabled

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **Table**, the motion carried **4-0-0**.

Name: Dalton Pharmacy

Application type: Non-Resident Pharmacy Application

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: Northmark Pharmacy

Application type: Non-Resident Pharmacy Application

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried 4-0-0.

Name: Apothecary by Design

Application type: Non-Resident Pharmacy Application

Committee recommendation to full Board: Approve

After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: Anderson Compounding Pharmacy

Application type: Non-Resident Pharmacy Application

Prepared by Greg Pachmayr, Director  
Indiana Board of Pharmacy



Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: AHG of NY, Inc.  
Application type: Non-Resident Pharmacy Application  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: Atlantic Biologicals Corp. DBA Atlantic Biologicals/National Apothecary Solutions  
Application type: WDD  
Reason for Review: Positive response  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: Heritage Therapeutics, LLC  
Application type: Non-Resident Pharmacy Application  
Committee recommendation to full Board: Approve  
After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **approve**, the motion carried **4-0-0**.

Name: UPS Supply Chain Solutions, Inc.  
Application type: Non-resident pharmacy application  
Reason for Review: positive response  
Notes: Review the consumer complaint documentation and surrendered application for Wholesale Drug Distributor License  
Committee recommendation to full Board: Table  
After a discussion with the full Board, a motion was made by Member Fanning and seconded by Member Wall to **table**, the motion carried **4-0-0**.

## **COMPLIANCE REPORTS**

### **Compliance Director Report**

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

After a discussion with the full Board- a motion was made to extend the provisional Wholesale Drug Distributor License of Dispensary of Hope for 6 months while they are making application for Licensure with Tennessee. Motion was made by Member Wall and seconded by Member Landis, the motion carried **4-0-0**.

### **Compliance Officer Reports**

Report from Compliance Officer Tim Thomas:

- Compliance Officer Thomas delivered his report orally to the committee.

Report from Compliance Officer Zaneta Nunally:

- Compliance Officer Nunally' delivered her report orally to the committee.

Report from Compliance Officer Amy Phillips:

- Compliance Officer Phillips delivered her report orally to the committee.

Report from Compliance Officer Lorena Sipe:

- Compliance Officer Sipe delivered her report orally to the committee.

### **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 Phillips conducted the following probationary appearances, and a motion was made by Member Fanning and seconded by Member Wall to approve the following probationary appearances:

Keith Junker

**Motion Carried 4-0-0.**

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

Dennis Flanagan  
Ryan Hendrickson  
Daniel Rushton

**Motion Carried 4-0-0.**

- Compliance Officer Thomas conducted the following probationary appearances, and a motion was made by Member Fanning and seconded by Member Wall to approve the following probationary appearances:

Thomas Goodge  
Jason Miller  
Donn Olson

**Motion Carried 4-0-0.**

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

Lee Barker  
Mark Fritz  
Robert Hudson  
Donnielle Shead

**Motion Carried 4-0-0.**

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

Wes Gillman  
Donovan Higgins  
Susan Northrup

**Motion Carried 4-0-0.**

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

**VII. MISCELLANEOUS**

- A. Board Director Report – The Director delivered his report orally to the Board.

**VIII. Old/New Business**

- A. LSA #13-308 rule re-adoptions  
LSA #13-308 Rule Re-adoption Analysis

856 IAC 1-1.1 Definitions

- Does not impose requirements or costs on small businesses, as this rule only includes definitions.

856 IAC 1-2-4 Service by mail sufficient notice

- Does not impose requirements or costs on small businesses, as this only addresses the Board's duties regarding providing notice.

856 IAC 1-3.1 Examination and Experience Requirements

- Does not impose requirements on small businesses, as this only addresses examination and experience requirements of individual applicants.

856 IAC 1-6.1-1 Pharmacy equipment; lack of access between adjacent pharmacies (page 52)

- May impose requirements on small businesses
  - *(1) Continued need for the rule:* There is a continued need for the rule, as it requires the qualifying pharmacist to determine what equipment is necessary to practice safely.
  - *(2) Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation.
  - *(3) Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
  - *(4) Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
  - *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of requiring qualified pharmacists to determine what equipment is necessary to practice safely. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Initiated prior to June 30, 2005

856 IAC 1-7 Pharmacy Permits (page 52)

- May impose requirements on small businesses
  - *(1) Continued need for the rule:* There is a continued need for this rule as it allows the Board and IPLA to know where controlled and legend drugs are being distributed from and ensures that these facilities are inspected to maintain public health.
  - *(2) Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation.
  - *(3) Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
  - *(4) Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
  - *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of ensuring adequate standards for the distribution of controlled substances and legend drugs. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Initiated prior to June 30, 2005

856 IAC 1-13 General Definitions (page 53)

- May impose requirements on small business: Electronic monitoring systems can be a cost to small business.
  - *(1) Continued need for the rule:* There is a continued need for this rule. While this rule includes general definitions, it also addresses security requirements, which ensures that pharmacy inventory, including controlled substances, is adequately secured from theft.

- (2) *Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation.
- (3) *Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
- (4) *Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
- (5) *Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of ensuring that pharmacy inventory is adequately secured. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Initiated prior to June 30, 2005

#### 856 IAC 1-29 Electronic Data Processing of Prescriptions (page 66)

- May impose requirements on small businesses
  - (1) *Continued need for the rule:* There is a continued need for this rule as efficient pharmacy practice benefits from utilizing electronic data processing, and requirements are needed to accurately capture patient and billing information.
  - (2) *Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation. There has been positive feedback regarding the Board's recent updates.
  - (3) *Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
  - (4) *Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
  - (5) *Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of outlining requirements for electronic data processing. Changes in technology have been addressed in a recent rule update. There have not been any changes in economic conditions or other factors that affect the rule since it was last reviewed.
- Initiated prior to June 30, 2005

#### 856 IAC 1-30 Sterile Pharmaceuticals; Preparation and Dispensing (page 68)

- May impose requirements on small businesses
  - (1) *Continued need for the rule:* There is a continued need for this rule. As the NECC tragedy demonstrates, sterile-compounded pharmaceuticals need to have standards to protect patients.
  - (2) *Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation. The Board is in the process of reviewing and updating these rules.
  - (3) *Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* The Board expressed concern about implementation of this rule with current staffing levels. Sterile compounding is one of the most complex areas of the practice of pharmacy; however, if a small business wants to enter this practice area the pharmacy compliance with this rule is paramount in order to protect patient safety, as evidenced by the New England Compounding Center tragedy.
  - (4) *Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.

- *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of setting standards for the complex practice of sterile compounding. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Initiated prior to June 30, 2005

#### 856 IAC 1-31 Facsimile Machines (Page 74)

- May impose requirements on small businesses
  - *(1) Continued need for the rule:* There is a continued need for the rule. Fax machines transmit protected patient information, which requires rules to ensure that they are utilized appropriately.
  - *(2) Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation.
  - *(3) Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
  - *(4) Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
  - *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of ensuring that fax machines are utilized properly. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Except for 856 IAC 1-31-3, initiated prior to June 30, 2005
  - *Degree to which the factors analyzed in the economic impact statement have changed since the statement was prepared:* Fax machines are now cheaper and easier to operate since this rule was first initiated.
  - *Whether any regulatory alternatives included in the economic impact statement; or any regulatory alternatives that were not considered by the board at the time the statement was prepared could be implemented to replace one or more of the rule's existing requirements:* There are no regulatory alternatives appropriate for this rule.

#### 856 IAC 1-34 Security Features for Prescriptions (page 78)

- May impose requirements on small businesses
  - *(1) Continued need for the rule:* There is a continued need for this rule as it helps protect against false prescriptions being used to obtain controlled substances.
  - *(2) Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation from pharmacy stakeholders. There have been suggestions that the State utilize a sole-source provider of these scripts instead of having small businesses apply to be approved to provide security paper.
  - *(3) Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small business in complying with the rule:* There is no difficulty administering this rule. Some applicants' prescription paper does not meet the standards set out in this rule. However, the security features that applicants have difficulty producing correctly are the same features that protect against fraudulent scripts being produced by criminals.
  - *(4) Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
  - *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of protecting against false

prescriptions being used to obtain controlled substances. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.

- Initiated prior to June 30, 2005

#### 856 IAC 1-35 Pharmacy Technicians (Page 80)

- May impose requirements on small businesses
  - *(1) Continued need for the rule:* There is a continued need for this rule. The Board's experience indicates that pharmacy technicians divert controlled substances more than pharmacists so technicians need to be qualified as they deal with prescriptions, patient information, and money.
  - *(2) Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation.
  - *(3) Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
  - *(4) Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state or local laws, rules, regulations or ordinances.
  - *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of ensuring that pharmacy technicians are qualified and safe to practice. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Initiated prior to June 30, 2005

#### 856 IAC 1-36 Temporary Variances (page 81)

- Does not impose requirements on small businesses as it addresses temporary variances

#### 856 IAC 2 CONTROLLED SUBSTANCES (page 143)

- May impose requirements on small businesses
  - *(1) Continued need for the rule:* There is a continued need for this rule as controlled substances have a potential for abuse.
  - *(2) Nature of any complaints or comments received from the public, including small businesses, concerning the rule or the rule's implementation by the agency:* There have been no complaints concerning this rule or its implementation.
  - *(3) Complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.
  - *(4) Extent to which the rule overlaps, duplicates, or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule coincides with some federal regulations. However, states maintain their own controlled substance standards so that they can determine what is best for the state.
  - *(5) Length of time since the rule was last reviewed or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The Board last reviewed the rule in 2007. The rule continues to be well suited for the purpose of addressing controlled substances, which have a potential for abuse. There have not been any changes in technology, economic conditions, or other factors that affect the rule since it was last reviewed.
- Except for 856 IAC 2-6-1.5, initiated prior to June 30, 2005
  - *Degree to which the factors analyzed in the economic impact statement have changed since the statement was prepared:* Prescription drug abuse has increased since implementation of the rule.
  - *Whether any regulatory alternatives included in the economic impact statement; or any regulatory alternatives that were not considered by the board at the time the statement was prepared could be implemented to replace one or more of the rule's existing requirements:* There are no regulatory alternatives appropriate for this rule.

- Does not impose requirements on small businesses, utilization of automated medication systems is voluntary.

A motion was made by Member Fanning and seconded by Member Landis to readopt the rules in LSA #13-308. The motion carried 4-0-0.

## IX. ADMINISTRATIVE HEARINGS

<b>A. In the Matter of the Indiana Non-Resident Pharmacy Permit of Steven's Pharmacy</b>	
<b>License No.</b>	64001283A
<b>Administrative Cause No.</b>	2012 IBP 0017
<b>Regarding</b>	Petition to Withdraw Probation
<b>Parties Present</b>	Charles Bonner, Pharmacist in Charge, Steven's Pharmacy
<b>Counsel Present</b>	No council for respondent. Tim Weber, Graduate Legal Intern, Office of the Attorney General Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Permit was placed on probation due to the permit in California being placed on probation. Completed and complied with all probationary terms.
<b>Board Action</b>	A motion was made by Member Landis and seconded by Member Wall to withdraw the probation on respondent's license.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

<b>B. In the Matter of the Indiana Pharmacy Technician Certification of Alex Urbanski, C.Ph.T</b>	
<b>Permit No.</b>	6701995A
<b>Administrative Cause No.</b>	2012 IBP 0061
<b>Regarding</b>	Petition to Withdraw Probation
<b>Parties Present</b>	Alex Urbanski
<b>Counsel Present</b>	No Counsel for Respondent Tim Weber, Graduate Legal Intern, Office of the Attorney General Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	License placed on probation due to a DWI in 2012. Respondent has completed and complied with all probationary terms.
<b>Board Action</b>	A motion was made by Member Landis and seconded by Member Fanning to withdraw probation.
<b>Vote</b>	Motion Carried <u>3-0-1</u>

**C. In the Matter of the Indiana Technician Certification and Pharmacist Intern Registration of Fletcher Jones, C.Ph.T.**

<b>Certification No.</b>	67019952A 45017300A
<b>Administrative Cause No.</b>	2012 IBP 0042
<b>Regarding</b>	Petition to Withdraw Probation
<b>Parties Present</b>	Fletcher Jones
<b>Counsel Present</b>	No council for respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Placed on probation in May 2013 due to diversion of alcohol from a bar. Has completed and complied with all terms of probation.
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Landis to withdraw the probation on respondent's license.
<b>Vote</b>	Motion Carried <u>3-0-1</u>

**D. In the Matter of the Indiana Pharmacy Technician Certification of Holly Denning, C.Ph.T.**

<b>License No.</b>	67023115A
<b>Administrative Cause No.</b>	2012 IBP 0079
<b>Regarding</b>	Petition to Withdraw Probation
<b>Parties Present</b>	Holly Denning
<b>Counsel Present</b>	No council for Respondent Tim Weber, Graduate Legal Intern, Office of the Attorney General Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Placed on probation due to an incident in 2010. Respondent has completed and complied with all terms of her probation.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Landis to withdraw probation from respondent's license.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**E. In the Matter of the Indiana Pharmacist License of: Jaroslav Balaz, R.Ph.**

<b>Permit No.</b>	26013971A
<b>Administrative Cause No.</b>	2013 IBP 0036
<b>Regarding</b>	Petition to Reinstate License
<b>Parties Present</b>	Jaroslav Balaz, Respondent
<b>Counsel Present</b>	John Maksimovich, Attorney for Respondent Tim Weber, Graduate Legal Intern, Office of the Attorney General



	Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	License suspended due to diversion. Was placed on 1 year of criminal probation due pleading guilty to a misdemeanor. Has eight months of left of criminal probation. Respondent has completed and complied with all terms of his suspension.
<b>Board Action</b>	A motion was made by Member Landis and seconded by Member Wall to grant probationary license that includes agreed disposition with 6 hours of law and ethics, apprised of all prescriptions, and completion of criminal probation.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**F. In the Matter of the Indiana Pharmacy Technician Certification of Kathryn Wroblewski, C.Ph.T.**

<b>Permit No.</b>	67003506A
<b>Administrative Cause No.</b>	2004 IBP 0033
<b>Regarding</b>	Petition to Reinstate Certification
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	
<b>Witnesses for the State</b>	
<b>Case Summary</b>	State requests a notice of proposed dismissal
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Landis to dismiss Respondent's petition to reinstate.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**G. In the Matter of the Indiana Non-Resident Pharmacy Permit Application of Pharmacy Creations**

<b>License No.</b>	Unlicensed
<b>Administrative Cause No.</b>	2013 IBP 0046
<b>Regarding</b>	Petition for Review of Board's Denial or Petitioner's Application
<b>Parties Present</b>	John Scott Karolchyk, Part Owner, Pharmacy Creations
<b>Counsel Present</b>	Lyle Hartman, Counsel for Respondent

<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Based out of New Jersey. Board denied petitioner's application for a non-resident pharmacy permit application due to them shipping drugs into Indiana without a license. Petitioner requests the board to reconsider their decision. Has had six inspections in the last nine months.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Landis to issue permit on probation for at least sixteen months, complies with the rules and laws in Indiana, and notifies Indiana if there is discipline in any other state.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

#### H. In the Matter of the Indiana Non-Resident Pharmacy Permit of ESI Mail Pharmacy Service, Inc.

<b>Certification No.</b>	64000419A
<b>Administrative Cause No.</b>	2013 IBP 0073
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Peter Cymbalski, Pharmacist in Charge, ESI Mail Pharmacy Service
<b>Counsel Present</b>	Phil Wickizer, Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Charges have been brought up against respondent due to having discipline in other states for failure to comply with drug monitoring program in Colorado. Failed to submit "Zero Reporting." Permit has also been disciplined in Michigan, Utah, and other states. Pharmacy in question has since closed. Paperwork was submitted requesting surrender, and Indiana accepted.
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Wall to dismiss complaint.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

#### I. In the Matter of the Indiana Pharmacist License of Jason Bagley, R.Ph.

<b>License No.</b>	26018380A
<b>Administrative Cause No.</b>	2013 IBP 0097
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Did not appear.
<b>Counsel Present</b>	No council for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General

<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Steven Anderson, R.Ph., Vice President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member William J. Cover, R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	State asks for a continuance.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Fanning to Continue hearing
<b>Vote</b>	Motion Carried <u>4-0-0</u>

#### J. In the Matter of the Indiana Pharmacy Permit of United Rx, LLC

<b>Certification No.</b>	60006309A
<b>Administrative Cause No.</b>	2013 IBP 0072
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Charles Benning
<b>Counsel Present</b>	No council for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	Timothy Thomas,
<b>Case Summary</b>	Proposed Settlement Agreement filed. December 2012- received a fail on the inspection due to 21 violations due to sterile compounding. Subsequent inspection in February resulted in a pass. Five deficiencies noted on last inspection in September, but deficiencies were corrected.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Landis to table, come back in a month with a clean inspection.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

#### K. In the Matter of the Indiana Pharmacist License of Matthew Sweeting, R.Ph.

<b>License No.</b>	26018682
<b>Administrative Cause No.</b>	2013 IBP 0066
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	
<b>Witnesses for the State</b>	None

<b>Case Summary</b>	Motion for Continuance filed.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Fanning to grant the continuance.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**L. In the Matter of the Indiana Non-Resident Pharmacy Permit of Excellence Pa dba Hospice Pharmacia**

<b>Permit No.</b>	64000693A
<b>Administrative Cause No.</b>	2013 IBP 0067
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	State requests a continuance.
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Wall to grant continuance
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**M. In the Matter of the Indiana Non-Resident Pharmacy Permit of Eastside Pharmacy**

<b>License No.</b>	64001060A
<b>Administrative Cause No.</b>	2013 IBP 0095
<b>Regarding</b>	Motion to Dismiss (Final Hearing)
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Steven Anderson, R.Ph., Vice President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member William J. Cover, R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	State filed a motion to dismiss
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Wall to grant the motion to dismiss.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**N. In the Matter of the Indiana Non-Resident Pharmacy Permit of Institutional Pharmacy Solutions, LLC**

<b>Permit No.</b>	64001267A
<b>Administrative Cause No.</b>	2013 IBP 0092
<b>Regarding</b>	Motion to Dismiss (Final Hearing)
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No Counsel for Respondent

	Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	State filed a motion to dismiss
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Wall to grant the motion to dismiss.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

#### O. In the Matter of the Unlicensed Practice of Gulf Coast Pharmaceuticals Plus, LLC

<b>Permit No.</b>	Unlicensed. Does not hold an IN License
<b>Administrative Cause No.</b>	2013 IBP 0068
<b>Regarding</b>	Cease and Desist
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	State requested a continuance
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Fanning to continue the hearing.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

#### P. In the Matter of the Indiana Pharmacist Intern Registration of Raven Merkerson, R.Ph.I.

<b>Permit No.</b>	99046339A
<b>Administrative Cause No.</b>	2013 IBP 0071
<b>Regarding</b>	Notice of Proposed Default
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No council for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Diversion from Target.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member Fanning to hold respondent in default. A motion was made by Member Fanning and seconded by Member Wall

	to Revoke.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**Q. In the Matter of the Indiana Pharmacy Technician Certification of Peyge Wolfe, C.Ph.T.**

<b>Permit No.</b>	67022315A
<b>Administrative Cause No.</b>	2013 IBP 0063
<b>Regarding</b>	Notice of Proposed Default
<b>Parties Present</b>	Did not appear
<b>Counsel Present</b>	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Wall to hold respondent in default. A motion was made by Member Wall and seconded by Member Fanning to Revoke.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**R. In the Matter of the Indiana Pharmacy Technician Certification of Dennis Fleming, C.Ph.T.**

<b>Permit No.</b>	67018261A
<b>Administrative Cause No.</b>	2013 IBP 0101
<b>Regarding</b>	Petition for Summary Suspension
<b>Parties Present</b>	Respondent failed to appear
<b>Counsel Present</b>	No Counsel for Respondent Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Steven Anderson, R.Ph., Vice President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member William J. Cover, R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Diversion from CVS for 5 months due to not having dental insurance. Exhibit A entered into evidence.
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Landis to summarily suspend license
<b>Vote</b>	Motion Carried <u>4-0-0</u>

**S. In the Matter of the Indiana Pharmacist License of: Richard J. Miller, R. Ph.**

<b>Permit No.</b>	26019772A
<b>Administrative Cause No.</b>	2013 IBP 0102
<b>Regarding</b>	Petition for Summary Suspension
<b>Parties Present</b>	Respondent Failed to Appear

<b>Counsel Present</b>	Tim Weber Darren R. Covington, Deputy Attorney General - Office of the Attorney General
<b>Participating Board Members</b>	Sara St. Angelo, PharmD., R.Ph., President Winnie Landis, R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member Del T. Fanning, R.Ph., Member
<b>Witnesses for the Petitioner</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	Diverting from Walgreens by creating fraudulent patient profiles. Exhibits A and B entered into evidence.
<b>Board Action</b>	A motion was made by Member Fanning and seconded by Member Wall to summarily suspend license.
<b>Vote</b>	Motion Carried <u>4-0-0</u>

## **VII. FINAL NOTES PRIOR TO ADJOURNMENT**

## **VIII. ADJOURNMENT**

President St. Angelo adjourned the meeting at approximately 5:51 p.m.

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Sara St. Angelo, PharmD., R.Ph., President  
Indiana Board of Pharmacy

\_\_\_\_\_  
Date

### **Next Scheduled Meeting:**

Regularly scheduled meeting: November 4, 2013, Room W064  
Indiana Government Center South