

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency

Conference Center Room W064
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF May 12, 2008

CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer William Cover called the meeting to order at 9:12 a.m. in Conference Center Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

Board Members Present:

William Cover, R.Ph., President
Del T. Fanning, R.Ph., Vice President
Steve Anderson, R.Ph., Member
Donna Wall, PharmD., R.Ph, Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD, R.Ph., Member
Anika Calloway, J.D., Member

Board Members not in attendance:

State Officials Present:

Marty Allain, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency
Tasha Coleman, Case Manager/Temporary Asst. Dir., Indiana Professional Licensing Agency
Gordon White, DAG, Advisory Counsel, Office of the Attorney General

A motion was made and seconded to adopt the agenda.

St. Angelo/Fanning

Motion carried 7/0/0

A motion was made and seconded to adopt the April 2008 Minutes.

Landis/St. Angelo

Motion carried 7/0/0

Reports were given by the Compliance Officers.

Chukwudi Onwuka appeared before the board on behalf of Broad Ridge Drugs regarding the pharmacy's failure to comply with INSPECT reporting requirements. A motion was made and seconded to file a consumer complaint against Broad Ridge Drugs for failure to attempt to submit prescription data to INSPECT program.

Landis/Anderson

Motion carried 6/0/1 (St. Angelo)

Terri Cutshaw appeared before the board regarding her pharmacy technician application. A motion was made and seconded to approve the application for Pharmacy Technician.

Anderson/Landis

Motion carried 7/0/0

Amber Treadway failed to appear before the board regarding her pharmacy technician application.

Probationer Donnielle Shead appeared before the board regarding a failure to appear at the April board meeting. A motion was made and seconded to issue an Order to Show Cause to be heard at the June meeting.

Landis/Anderson

Motion carried 7/0/0

A motion was made and seconded to approve the following non-resident pharmacy applications

4Care Pharmacy
Cardinal Health Solutions, Inc. – Houston, TX

Calloway/Wall

Motion carried 7/0/0

A motion was made and seconded to table the non-resident pharmacy application for Cardinal Health, Solutions – Edinburg, TX requesting additional information and inspection.

Calloway/Wall

Motion carried 7/0/0

A motion was made and seconded to table the non-resident pharmacy application for TheraPoint requesting additional information.

Calloway/Wall

Motion carried 7/0/0

A motion was made and seconded to table the renewal applications for Janna Fett and Laura Meshberger both of which to have a probation modification hearing at the June meeting.

St. Angelo/Calloway

Motion carried 7/0/0

A motion was made and seconded to table the renewal applications for the following and request a personal appearance:

Johnathon Heyder – Positive Response
Kara Longoria – Positive Response
Beth Zehr – Positive Response

St. Angelo/Calloway

Motion carried 7/0/0

A motion was made and seconded to approve the renewal applications for the following:

Raj Duggal
Eric Spray

Matthew Pfister

St. Angelo/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the pharmacist application pending receipt of proof that applicant has completed all probation:

Kyle Skidmore – Positive Response

Wall/St. Angelo

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Gerry Bowman
Shelley Brown
Bruce Burch
Gregory Claretto
Robert Jaberg
Tony Jacobs
Susan Reynolds

Fanning/St. Angelo

Motion carried 7/0/0

The Board approved the appearances of the following probationers:

Jason Ashcraft
Gregory Dodds
Charles Lindstrom
Michael Long
Thomas MacLean
Ronald Maze
Harish Nair
Kevin Querry
Eric Spray

Anderson/Calloway

Motion carried 7/0/0

A motion was made and seconded to approve the following probationary appearances:

Traci Holling
Angela Kruer
Stephen Szalweski

Landis/St. Angelo

Motion carried 7/0/0

Theresa Moore did not appear for her probationary appearance.

A motion was made and seconded to approve the following pharmacist applications pending the completion of required hours:

Nervana El-Khadragy

Farrah Haddad

Wall/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to approve the pharmacist application pending verification that all criminal matters are close:

Kyle Skidmore

Wall/Landis

Motion carried 7/0/0

A motion was made and seconded to approve the pharmacist application for Kevin Storm.

Landis/Calloway

Motion carried 7/0/0

A motion was made and seconded to approve the following continuing education applications:

Elkhart County Pharmaceutical Association	(2-1.0 hr)
James Roy	(1.0 hr)
Diane Conover	(5.0 hrs)
Hassan Taki	(5.0 hrs)

Landis/Wall

Motion carried 7/0/0

A motion was made and seconded to table Yanjun Zhao's continuing education hours (18.75 hrs) and requested submission of proper documentation.

Landis/St. Angelo

Motion carried 7/0/0

A motion was and seconded to approve the pharmacist intern application of Brandon Johnson pending receipt of completion of probation.

Wall/St. Angelo

Motion carried 7/0/0

In the Matter of Indiana License of Thomas Goodge, R.Ph

License No. 26016041A

Administrative Cause No. 1995 IBP 0002

Re: Probation Modification

Parties and Counsel Present:

Christa Jewsbury, DAG

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover
Calloway
Wall

Witnesses for the Respondent:
None

Witnesses for the State:
None

Case Summary:
The board ordered the setting of the probation modification hearing. The Respondent voluntarily submitted his license for summary suspension.

Board Action:
A motion was made and seconded to table the matter and reconvene this day following discussion with opposing counsel regarding revision to voluntary submission. The Attorney General's Office presented revisions and the Respondent agreed. A motion was made and seconded to accept the voluntary indefinite suspension.

Anderson/Landis

Motion carried 6/0/0 (Calloway not present)

In the Matter of Indiana License of Kathy Uebel, Pharmacy Technician
License No. 67000814A
Administrative Cause No. 2007 IBP 0011
Re: Extension of Summary Suspension

Parties and Counsel Present:
Mark Mader, DAG

Participating Board Members:
Fanning
Anderson
Landis
Cover
Wall
Calloway
St. Angelo

Witnesses for the Respondent:
None

Witnesses for the State:
None

Case Summary:
The State of Indiana seeks the extension of the Respondent's summary suspension for an additional ninety (90) days.

Board Action:
A motion was made and seconded to accept the settlement agreement presented by the parties and place the license on indefinite probation with additional terms.

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to table the wholesale drug distributor application for the following requesting documentation that human drugs are not distributed for VAWD exemption:

Walco International, Inc. – Walcott, IA
Walco International, Inc. – Spencer, IA

Wall/Landis

Motion carried 7/0/0

A motion was made and seconded to approve the following pharmacy technician applications with positive responses:

Paula Ervin
Debra Kirchenbauer
Theresa Mock
Deborah Howard
Kim Golba

Fanning/Wall

Motion carried 7/0/0

A motion was made and seconded to approve the following requests for a second technician-in-training permit.

Jennifer Striegler (90 day extension)
Ashley Fezi
Meredith Hall

Fanning/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to approve the waiver request of Gerald Eldridge.

Fanning/St. Angelo

Motion carried 7/0/0

A motion was made and seconded to approve the HME application for Scooter Warehouse with probationary terms and to notify consumer protection division of the Attorney General's Office to withdraw consumer complaint.

Anderson/Landis

Motion carried 7/0/0

A motion was made and seconded to table the following printer vendor application:

First Quality Printing
The Shamrock Companies, Inc.
Rx Sample Solutions, Inc.
Fourth Street Business Forms
Wise Business Forms, Inc.
Rx PROvisions, Inc.
Superior Press
Joyce Graphics, Inc.

St. Angelo/Fanning

Motion carried 7/0/0

MISCELLANEOUS

Board Director's Report
Probationer employer reports

Anika Calloway not in attendance as of the afternoon session.

Counsel for both parties did not object to members of the Board employed by CVS hearing any matter set before the board this day.

Counsel for both parties did not object to Donna Wall hearing any matter set before the board this day.

Motions for Settlement filed by Respondent on March 14, 2008 were withdrawn by Respondent's counsel Michael McMains.

In the Matter of the Indiana License of Susan Pieper, R.Ph

License No. 26013386A
Administrative Cause No. 2007 IBP 0065
Re; Final Hearing

Parties and Counsel Present:

Mark Mader, DAG
Mike McMains, Respondent's counsel
Michelle Baldwin, Respondent's counsel
Susan Pieper, Respondent

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Witnesses for the Respondent:

Susan Pieper

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

Anderson/St. Angelo

Motion carried 5/0/1 (Fanning abstained)

In the Matter of the Indiana License of Mary M. Oudin, R.Ph

License No. 26014717A
Administrative Cause No. 2007 IBP 0061
Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG
Mike McMains, Respondent's counsel
Michelle Baldwin, Respondent's counsel

Mary Oudin, Respondent

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Witnesses for the Respondent:

Mary Oudin

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

Anderson/Wall

Motion carried 6/0/0

In the Matter of the Indiana License of Robert Pison, R.Ph

License No. 26014660A

Administrative Cause No. 2007 IBP 0043

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG
Mike McMains, Respondent's counsel
Michelle Baldwin, Respondent's counsel
Robert Pison, Respondent

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Witnesses for the Respondent:

Robert Pison

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

Anderson/Wall

Motion carried 6/0/0

In the Matter of the Indiana License of Patrick Zimmer, R.Ph

License No. 26012438A

Administrative Cause No. 2007 IBP 0027

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Mike McMains, Respondent's counsel

Michelle Baldwin, Respondent's counsel

Patrick Zimmer, Respondent

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Wall

Witnesses for the Respondent:

Patrick Zimmer

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

Wall/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana License of Tracy McRorie, R.Ph.

License No. 26019972A

Administrative Cause No. 2007 IBP 0033

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Mike McMains, Respondent's counsel

Michelle Baldwin, Respondent's counsel

Tracy McRorie, Respondent

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Wall

Witnesses for the Respondent:

Tracy McRorie

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

St. Angelo/Wall

Motion carried 6/0/0

In the Matter of the Indiana License of Jerome Wolfe, II

License No. 26013931A

Administrative Cause No. 2007 IBP 0045

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Mike McMains, Respondent's counsel

Michelle Baldwin, Respondent's counsel

Jerome Wolfe, Respondent

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Wall

Witnesses for the Respondent:

Jerome Wolfe

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

St. Angelo/Wall

Motion carried 6/0/0

In the Matter of the Indiana License of Michael Williams, R.Ph.

License No. 226018368A

Administrative Cause No. 2007 IBP 0029

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Mike McMains, Respondent's counsel

Michelle Baldwin, Respondent's counsel

Michael Williams, Respondent

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Witnesses for the Respondent:

Michael Williams

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

St. Angelo/Wall

Motion carried 6/0/0

In the Matter of the Indiana License of Adiam Hago Adal, R.Ph

License No. 26020634A

Administrative Cause No. 2007 IBP 0041

Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG

Mike McMains, Respondent's counsel

Michelle Baldwin, Respondent's counsel

Adiam Hago Adal, Respondent

Participating Board Members:

Fanning

Anderson

Landis

St. Angelo

Cover

Wall

Witnesses for the Respondent:

Adiam Hago Adal

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

St. Angelo/Wall

Motion carried 6/0/0

In the Matter of the Indiana License of Erica Schmidt, R.Ph

License No. 26021786A
Administrative Cause No. 2007 IBP 0063
R: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG
Mike McMains, Respondent's counsel
Michelle Baldwin, Respondent's counsel
Erica Schmidt, Respondent

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Witnesses for the Respondent:

Erica Schmidt

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to grant the Respondent's Motion to Dismiss following the State's case-in-chief.

Wall/St. Angelo

Motion carried 6/0/0

In the Matter of the Indiana License of Carrie Campbell, R.Ph.

License No. 26017577A
Administrative Cause No. 2007 IBP 0031
Re: Final Hearing

Parties and Counsel Present:

Mark Mader, DAG
Mike McMains, Respondent's counsel
Michelle Baldwin, Respondent's counsel
Carrie Campbell, Respondent

Participating Board Members:

Fanning
Anderson
Landis
St. Angelo
Cover
Wall

Witnesses for the Respondent:

Carrie Campbell
Paula Bowers

Witnesses for the State:

None

Case Summary:

The State of Indiana filed a Complaint adverse the Respondent.

Board Action:

A motion was made and seconded to deny the Respondent's Motion to Dismiss following the State's case-in-chief.

St. Angelo/Wall

Motion carried 6/0/0

A motion was made and seconded to deny the Respondent's Motion to Dismiss following the Respondent's case-in-chief.

Wall/St. Angelo

Motion carried 6/0/0

A motion was made and seconded to dismiss the matter.

Wall/St. Angelo

Motion carried 6/0/0

The following matters were continued to a date to be determined:

In the Matter of the Indiana License of Terry Cole, R.Ph

License No. 26011608A

Administrative Cause No. 2007 IBP 0051

Re: Final Hearing

In the Matter of the Indiana License of Low Cost Rx #2, Inc.

License No. 60005206A

Administrative Cause No. 2007 IBP 0050

Re: Final Hearing

In the Matter of the Indiana License of CVS Pharmacy #6557

License No. 60004589A

Administrative Cause No.: 2007 IBP 0026

Re: Final Hearing

In the Matter of the Indiana License of CVS Pharmacy #6594

License No. 60004762A

Administrative Cause No. 2007 IBP 0028

Re: Final Hearing

In the Matter of the Indiana License of CVS Pharmacy #6580

License No. 60004574A

Administrative Cause No. 2007 IBP 0030

Re: Final Hearing

In the Matter of the Indiana License of CVS Pharmacy #6583

License No. 60004679A

Administrative Cause No. 2007 IBP 0032

Re: Final Hearing

In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #7791

License No. 60004983A

Administrative Cause No. 2007 IBP 0040

Re: Final Hearing

In the Matter of the Indiana License of CVS Pharmacy #4982

License No. 60005698A
Administrative Cause No. 2007 IBP 0042
Re: Final Hearing

In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #6605

License No. 60004744A
Administrative Cause No. 2007 IBP 0044
Re: Final Hearing

In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #8674

License No. 60005223A
Administrative Cause No. 2007 IBP 0060
Re: Final Hearing

In the Matter of the Indiana License of Hook Superx, LLC dba CVS Pharmacy #8682

License No. 60005302A
Administrative Cause No. 2007 IBP 0062
Re: Final Hearing

In the Matter of the Indiana License of CVS Pharmacy #6254

License No. 60004549A
Administrative Cause No. 2007 IBP 0064
Re: Final Hearing

A motion was made and seconded to deny Amber Treadway pharmacy technician application.

Anderson/St. Angelo

Motion carried 6/0/0

The meeting adjourned at 12:35 a.m.

William Cover, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, June 9, 2008
Indiana Government Center South
Conference Center Room A