

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

DRAFT Minutes of December 9, 2024

Jason Jablonski, R.Ph., Board President, called the meeting to order at 8:34 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted at the principal office for the Board, online at the board's website and on the state calendar at least forty-eight (48) hours before the time of the meeting.

Members Present:

Jason Jablonski, R.Ph., President
Steve Anderson, R.Ph., Vice President
Matt Balla, R.Ph., Member
Mark Bunton, R.Ph., Member
Andrew Meador, C,Ph.T., Member
Mark Smosna, R.Ph., Member
Kate Snedeker, Consumer Member - Joined at 1:29p via Zoom

Members Absent

PLA Staff Present:

Kim Snyder, Board Director
Caitlin Cress, Assistant Board Director
Bradley Repass, Litigation Specialist

Advisory Counsel:

Leif Johnson, J.D.

Court Reporter:

Accurate Reporting – Lindy Meyer

The Board moved to adopt the amended agenda to add the IPLA Press Release.

Balla/Bunton 6-0-0

Motion carries

The Board moved to approve the minutes from the November 18, 2024 Board meeting.

Smosna/Bunton 6-0-0

Motion carries

Administrative Hearings

Cheros Chapines - Cause No. 202411-BOP-0030

Cease and Desist

DAG: Ryan Eldridge
Respondent: None
Exhibit(s): None
Witness(es): None

Lindy Meyer was sworn in as the court reporter.

Ryan reached an agreed order presented to the board. This concerned a Mexican restaurant administering controlled substances. After the investigation, all legend drugs were removed. Requested the board approve the agreed order and issue the Cease and Desist.

After taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to APPROVE the CEASE AND DESIST.

Balla/Anderson 6-0-0
Motion carries

Amy K. Dorris, Ph.T., License No: 67028823A - Cause No. 202408-BOP-0014

Administrative Complaint

DAG: Autumn Murphy
Respondent: Not Present
Exhibit(s): None
Witness(es): None

Before the hearing opened, Autumn requested the hearing be moved down on the agenda so that a signed Proposed Settlement Agreement could be obtained and submitted. After the signed Proposed Settlement Agreement was filed and uploaded, Autumn provided a summary of the case.

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence, and orders in this matter the Board moved to ACCEPT the PROPOSED SETTLEMENT AGREEMENT.

Meador/Bunton 6-0-0
Motion carries

Leonard Dale Guyer, M.D., License No: 01040481B - Cause No. 2021 IBP 0045

Order to Show Cause

DAG: Ryan Eldridge
Respondent: Leonard Dale Guyer, M.D., Justin Sorrell, Counsel
Exhibit(s): Respondent's exhibits A, B, E, F, G
State's exhibits 1, 2, 3
Witness(es): Leonard Guyer, M.D., Zaneta Nunally, IPLA Director of Compliance

Respondent's counsel, Justin Sorrell, and Ryan Eldridge gave opening statements. Justin claimed that a technical glitch occurred when the pharmacist applied for his license renewal. The lapse of the pharmacist's license, according to Dr. Guyer would have no impact on patient care.

Discussed the process regarding compounding and labeling procedures related to the 2 mislabeled bottles found during the October 25, 2024, inspection and that this was caused by the distraction of the inspection. Dr. Guyer has not submitted a request to withdraw probation. State called Zaneta Nunnally as a witness. Respondent questioned Zaneta. Justin Sorrell gave closing statement and asked that the board impose no additional disciplinary action. Ryan gave closing statement.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to continue the INDEFINITE PROBATION with an extension of 2 years and a \$1,000.00 Fine and 3 inspections in 2025 (every 4 months) and 2 inspections (every 6 months) in 2026.

Smosna/Balla, 6-0-0
Motion carries

Discussion

Monthly Reports

Board Director's Report – Presented by Kim Snyder

INSPECT Director's Report – Presented by Kara Slusser, Logan Winslow
Leif to research whether the board has the authority to request a personal appearance of Sure Scripts concerning creation of new fraudulent accounts.

Compliance Director Report – Presented by Zaneta Nunnally.

OAG Report - Presented by DAG, Ryan Eldridge

Old Business

New Business

- A. 856 IAC Rule 43 – Hormonal Contraception - Kasey Barnes
 - a. Mirrors the Commissioner's IDOH Executive Order.
 - b. If approved, submit draft rule for approval. 30-day comment period and schedule public hearing.
 - c. Smosna/Balla 6/0/0 - Motion carries
- B. 856 IAC Rule 4-2 – Pharmacy Tech Vaccination Administration - Kasey Barnes
 - a. This is currently an emergency rule that will expire next November.
 - b. Smosna/Balla 6/0/0 - Motion carries
- C. Indiana Pharmacy Association – Prescription for Over-the-Counter Products
 - a. Darren Covington asked the board about prescriptions for diabetic supplies, nebulizers related to reimbursement. This does not currently fall under the purview of the board and would require change of legislation.
- D. Pharmacy Press Release. Anderson/Meador 6/0/0- Motion carries

Full Board Appearances

Full Board Appearance(s) Continued:

Munster Pharmacy – Remote Dispensing Facility Application and CSR Application - CANCELED

Achilles Malta – Southwest Michigan Behavioral Health – INSPECT Data Request

Achilles Malta appeared before the Board regarding a request for INSPECT Data. Michigan’s reports may be inadequate to identify gross number of opioids dispensed to specific Michigan zip-codes. Would like to access specific data from drug utilization reports for those specific zip-code based counties that filled opioids from 2020 to present.

After discussion, the Board moved to APPROVE the request for INSPECT Data.

Smosna/Bunton 6-0-0
Motion carries

4C Health- Miami County Satellite Office – CSR-Remote Location Application – 1st Remote Location Application for Genoa Healthcare LLC, 60006881A

Frank Gordon and Emily Beaver appeared virtually before the Board regarding their CSR-Remote Location Application.

After discussion, the Board moved to APPROVE the application.

Anderson/Smosna 6-0-0
Motion carries

Cardio Partners, Inc. – Wholesale Drug Distributor Application – Provisional License Request

Michael Cooke appeared virtually before the Board regarding their request for a wholesale drug distributor provisional license. They do not distribute prescription drugs but do distribute over the counter medication and defibrillators. Were inspected last Monday by NABP.

After discussion, the Board moved to APPROVE a 1-year Provisional WDD license.

Smosna/Meador 6-0-0
Motion carries

Nephron Pharmaceuticals, LLC - Wholesale Drug Distributor Application – Positive Response on Change of Ownership Application

Bernadette Henry and Lou Kennedy appeared virtually before the Board regarding a positive response on their wholesale drug distributor change of ownership application. Received 2 warning letters and currently refinancing company. SC and CA licenses active except the FDA OAI status. This was a positive response for the 503B. Anticipating federal status lifted in January 2025. Nothing was product related.

After discussion, the Board moved to APPROVE the wholesale drug distributor change of ownership application.

Smosna/Balla 6-0-0
Motion carries

Pharmacy 90210 – Non-Resident Pharmacy Application – Positive Response

Failure to appear. Do not reschedule unless requested by applicant.

After discussion, the Board moved to TABLE the non-resident pharmacy application and not reschedule for a full board appearance unless requested by applicant.

Balla/Meador 6-0-0
Motion carries

Personal Appearances

Cassandra Marie Hossinger – Pharmacist Application – 3rd Attempt at NAPLEX:

Cassandra Hossinger appeared before the Board and discussed her studying habits with the Board. Discussed reduced work hours, one on one tutoring, online classes, study guides and testing accommodations.

After discussion, the Board moved to APPROVE applicant’s repeat exam application.

Bunton/Balla 7-0-0
Motion carries by roll call

Nicholas Lee Klouvas – Pharmacist Application – 3rd Attempt at NAPLEX and MPJE:

Nicholas Klouvas appeared virtually before the Board and discussed his studying habits. Was on contract and working 5 days a week to pass the exam by a certain date. Discussed reduced working hours, prep course and tutoring.

After discussion, the Board moved to APPROVE applicant’s repeat exam application.

Balla/Smosna 7-0-0
Motion carries by roll call

Sanjay Ashokkumar Joshi, R.Ph. – 26021388A - Pharmacist Reinstatement Application – 3rd Attempt at MPJE:

Failure to appear.

Andrew Lacey – 45023944A – Pharmacy Intern Renewal – Positive Response:

Andrew Lacey appeared virtually before the Board regarding a positive response on a pharmacy intern renewal. Completed IPRP assessment and signed 12-month RMA. Signed a diversion agreement that lasts through June 2025.

After discussion, the Board moved to APPROVE applicant’s pharmacy intern renewal on INDEFINITE PROBATION with terms 1, 3, 7 and remain in full compliance with RMA.

Bunton/Balla 7-0-0
Motion carries by roll call

Alzira Bermudez Leques, M.D. – CSR-Physician Application – No Indiana Practice Address

Alzira Leques appeared virtually before the Board regarding a CSR-Physician Application lacking an Indiana practice address. Works out of Cincinnati and Oxford, Ohio. Works primarily at the Oxford location. There is a Brookville, IN practice location, but Dr. Leques does not practice out of the Indiana location.

Dr. Leques WITHDREW application for CSR.

Jameson Brent Arthur – Technician/Tech in Training Application – Positive Response:

Jameson Arthur appeared virtually before the Board regarding a positive response on a technician application. Discussed arrests.

After discussion, the Board moved to TABLE applicant's Technician application until IPRP Intake completed.

Meador/Smosna 7-0-0
Motion carries by roll call

Karissa Martin – Technician/Tech in Training Application – Positive Response:

Karissa Martin appeared before the Board regarding a positive response on a technician application. Was pulled over and did not have insurance. License was revoked, took classes and license reinstated.

After discussion, the Board moved to APPROVE applicant's Technician application.

Balla/Smosna 7-0-0
Motion carries by roll call

Dejah J. Mauricio – Technician/Tech in Training Application – Positive Response:

Dejah J. Mauricio appeared virtually before the Board regarding a positive response on a technician application. Currently on unsupervised probation until April 2025. Only time arrested.

After discussion, the Board moved to APPROVE applicant's Technician application.

Smosna/Balla 6-0-1
Jablonski abstained
Motion carries by roll call

Hunter Lacer – Technician/Tech in Training Application – Positive Response:

Failure to appear.

Stephanie E. Williams – Technician/Tech in Training Application – Positive Response:

Failure to appear.

Maressa Lee – Technician/Tech in Training Application – Positive Response:

Maressa Lee appeared before the Board regarding a positive response on a technician application. Charged with failure to stop after an accident. No longer on probation and involved on a diversion probation related to an OWI from June 2023. No drinking since July 2023. Should be expunged in April 2025. Refer for IPRP intake.

After discussion, the Board moved to TABLE applicant's Technician application until completion of IPRP Intake.

Meador/Smosna 6-0-1
Jablonski abstained
Motion carries by roll call

Vanessa Romero, Ph.T. – 67040164A – Technician Renewal – Positive Response:

Failure to appear.

After discussion, the Board moved to TABLE applicant's technician renewal until the applicant requests that her personal appearance be rescheduled.

Balla/Smosna 7-0-0
Motion carries by roll call

John Eapen Johnson-Kattathra – Pharmacist Application – Positive Response:

John Johnson-Kattathra appeared virtually before the Board regarding a positive response on a pharmacist application. Took MPJE in Indiana in 2010. Currently licensed in KY and TN. Surrendered MI license approximately a year ago.

After discussion, the Board moved to APPROVE applicant's pharmacist application.

Meador/Smosna 7-0-0
Motion carries by roll call

Neri Manasseh Hamid TawfiQ – Pharmacist Application – Positive Response:

Neri TawfiQ appeared virtually before the Board regarding a positive response on a pharmacist application. Additional information about arrests was received. 18 months probation beginning from November 2024.

After discussion, the Board moved to APPROVE applicant's pharmacist application on INDEFINITE PROBATION concurrent with criminal probation and terms 1, 3 and 8.

Bunton/Balla 7-0-0
Motion carries by roll all

Marco Antonio Vidaurri, R.Ph. – 26028108A – Pharmacist Renewal – Positive Response:

Failure to appear.

After discussion, the Board moved to TABLE applicant's pharmacist renewal until the applicant reschedules a personal appearance.

Meador/Bunton 7-0-0
Motion carries by roll call

There being no further business the Board ADJOURNED at 2:35p