

**MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY**

December 17, 2008

**SpringHill Suites
Boise, Idaho**

This meeting of the board is held to conduct regular board business.

Chairman Dwayne Sheffler, RPh called the meeting to order at 8:00 a.m. In attendance were Kitty Gurnsey; Berk Fraser, RPh; Nicole Chopski, Pharm D; Holly Henggeler, Pharm D; Mark Johnston RPh, Executive Director; Mike McPeek, Deputy Attorney General; Melissa Moody, Deputy Attorney General, Kay Christensen, Deputy Attorney General; Jan Atkinson, Senior Compliance Officer; Lisa Culley, Compliance Officer; Gina Knittel, Compliance Officer, Fred Collings, Chief Investigator; and Ellen Mitchell.

Kay Christensen, DAG presented training requested by the Board.

Melissa Moody, DAG presented an overview of the prosecutorial process generally followed by Boards.

Mr. Fraser motioned to approve the minutes of the October 29, 2008 meeting. Dr. Henggeler seconded. Motion carried unanimously.

Dr. Henggeler motioned to approve the minutes of the November 4, 2008 conference call meeting. Mr. Fraser seconded. Motion carried unanimously.

Dennis Tribble with ForHealth Technologies, Sean Bennett with Cassia Memorial Hospital and Steve Millard with the Idaho Hospital Association requested the Board's support for legislation regarding tele-pharmacy they plan to introduce during the 2009 Legislative Session. Mr. McPeek suggests they start with NABP's model rules and come back. Without proposed language presented, the Board did not motion.

Paula Wiens and Michelle Bartlett from the Idaho Midwifery Council request assistance from the Board regarding legislation they will be introducing during the 2009 Legislative Session; the Council continues to work on verbiage and will send Mr. Johnston a draft. Mr. Johnston's concerns over storage will be addressed in rule in 2010, should the Idaho State Legislature pass the statute in 2009. Mr. Johnston's concern over the proposed formulary committee make up will be addressed in statute in 2009.

The Health Care Distribution Management Association representatives were unable to attend. In their absence, Mr. Johnston presented language that will be introduced during the 2009 Legislative Session: Changes to the 2007 Wholesale Drug Distribution Act allowing a repackager who is a manufacturer's authorized distributor of record to be included in the normal distribution channel.

In the case of Janet Stickler, R.Ph, Mr. Fraser motioned to accept the stipulation as written. Ms. Gurnsey seconded. Motion carried unanimously.

In the case of Randy Shinneman, R.Ph, Mr. Fraser motioned to send an order of default to Mr. Shinneman; if there is no response from Mr. Shinneman his license will be revoked. Ms. Gurnsey seconded. Motion carried unanimously.

In the case of Dana Blackburn, Pharmacy Technician applicant that was denied registration based on a felony conviction, Ms. Blackburn has requested reconsideration of her application by the Board. Ms. Atkinson read a letter to the Board from Lauri Krause, PIC of Ridley's pharmacy in Blackfoot in support of Ms. Blackburn. Ms. Blackburn is currently working in the pharmacy as a clerk. Ms. Gurnsey motioned to reconsider the application. Motion died for lack of a second. Dr. Henggeler motioned to deny the registration based on the felony conviction. Mr. Fraser seconded. After discussion, motion carried unanimously.

Ms. Moody presented the stipulation regarding University of Idaho Student Health Pharmacy. Heidi Poxlietner, PIC and Greg Tatham joined the meeting via conference call. Ms. Gurnsey motioned to accept the stipulation as written, Dr. Chopski seconded. Motion carried unanimously.

Mr. McPeek and Ms. Moody request the Board re-open the matter regarding Mr. Shinneman and consider signing the order as a final order. Ms. Gurnsey recommends unanimous consent to re-open the matter and accept/sign the order as a final order. Consent granted.

In the matter of Melissa Rhodes, Pharmacy Technician, Mr. Fraser motioned to accept the Notice of Intent as written. Dr. Chopski seconded. Motion carried unanimously.

In the matter of Kelly L Carpentier, Ms. Gurnsey recused herself due to a personal relationship with Mr. Carpentier and his family. Kelly Carpentier addressed the Board with Counsel Mike Burkett to request reinstatement of his pharmacist license. After examining the evidence and hearing testimony, Mr. Fraser stated that in order to be consistent with past decisions involving licensure and registration of convicted felons he motioned to accept Staff recommendation and deny reinstatement. Dr. Henggeler seconded, after further discussion motion carried.

Mr. Johnston presents Legislation and Rule review. The Board directed Mr. Johnston to research the following issues: mandatory prescription transferring, a pharmacist absence policy, compounding, rule 254.02, authorization to refill via fax, 90 day supplies, inducements, PMP data sharing, immunizing, time limits on absence from the profession before requiring retesting and interning, and pharmacy open hours. The Board directed Mr. Johnston not to work on the following issues: positive ID, required pharmacy security, mail order signature required, maximum work load, internet pharmacy ban, and PBMs.

Mr. Fraser motioned to enter into Executive Session as authorized by Idaho Code 67-2345 (d). Dr. Chopski motioned to adjourn Executive Session. Ms. Gurnsey seconded. Motion carried unanimously, adjourned 5:01 p.m.

Mr. Fraser motioned to adjourn the meeting, Dr. Chopski seconded, meeting adjourned 5:05 p.m.

Chairman

Vice-Chairman

Member

Member

Member

Executive Director