

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

May 29, 2008

**Coeur D'Alene Resort
COEUR D'ALENE, IDAHO**

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

Chairman Berk Fraser, RPh called the meeting to order at 8:07 a.m. In attendance were Kitty Gurnsey; Dwayne Sheffler, RPh; Nicole Chopski, Pharm D; Holly Henggeler, Pharm D; Mark Johnston, Executive Director; Mike McPeek, Deputy Attorney General; Jan Atkinson, Senior Compliance Officer; Lisa Culley, Compliance Officer; Mike Brown, Compliance Officer, Gina Knittel, Compliance Officer, Fred Collings, Chief Investigator; and Ellen Mitchell.

Regarding the minutes of the March 7, 2008 meeting, Nicki Chopski made a motion to accept the minutes as written. Kitty Gurnsey seconded. Motion carried unanimously.

In the matter of citation #1818 issued to Ron Lavigne, RPh for violation of Board Rule 184.11 Mr. Lavigne appeared with his attorney Mr. Edward J Anson. Mr. Sheffler desires for Mr. Lavigne and the inspectors to get along. The results of a vote to proceed to a contested case hearing: all opposed. The matter is thus resolved without action. The board affirms the inspector acted appropriately and Mr. Lavigne's apology is accepted.

Dr. Chopski presents information gathered from the NABP and ASCP sponsored meeting regarding long-term care pharmacy. She recommends using the NABP model rules as a starting point to address long-term care (geriatric/senior) issues, which are a higher priority than forming nuclear pharmacy rules. She suggests creating a task force in Idaho and allow for a period of public comment.

Mr. Johnston reminds the board that proposed language for PARFs is due by August 1 with final language by August 20 for pending rule by November 1. Rules affected by model rules would include 252.01 Definitions, 255.06 and 255.09 Chart Orders; 258.11 (c) prepackaging; medication therapy management to be a part of the newly revised rule #165 to be presented later in the meeting (model from Sam Hoagland); Rule 253 Emergency Drug Kit; centralized prescription processing; and how to allow pharmacists to practice without a brick and mortar pharmacy. Mr. Johnston asks for approval to work toward merging the NABP model rules with our existing rules. Unanimous consent of the board approves Mr. Johnston's request.

Mr. Lavigne asks for clarification of faxing prescriptions from assisted living facilities, as the facility is not the physician's agent as required by 54-1733 (iii). After discussion among the board, the board regulates long-term care facilities but not assisted living. The board directs Mr. Johnston to move forward with PARFs.

Angus DeWalt and Kevin Finnel appear on behalf of Walco International. Mr. Johnston provides background information for the board regarding current veterinary drug outlet (VDO) rules. Mr. Johnston asks board permission to move forward with PARF related to VDO rule changes. Unanimous consent of the Board approves Johnston's request.

Mr. DeWalt indicates Walco's desire is to expand the criteria, requirements and knowledge required for veterinary drug technicians (VDT) suggesting 1500 hours of experience for designated representatives and VDT's. He would like to include in the requirements for VDT's state and federal law; knowledge and understanding of controlled substances; knowledge and understanding of quality control and prescription terminology. The Department of Animal Industry's prescription form appears antiquated. Withdrawal times are critical as the drugs cross over from animal use to humans.

Robert Fisher appears on behalf of ACHC in Council, requesting that rules #265-269 move from temporary to permanent in the 2009 legislative session. Mr. Fischer requests a rule change to address emergency access to the RDM. Mr. Johnston feels there is an acceptable Memorandum of Understanding between Mr. Fisher and himself. The rules related to remote dispensing have been temporary rules for 3 years, August 20 is the deadline to submit changes or make the rules permanent. Ms. Culley asks about a video camera and the ability to monitor who is in the pharmacy. Mr. Fisher indicates the camera is mounted in the counseling area. Mr. Fraser asks if a video feed could be established to better monitor the pharmacy with further discussion, it appears possible but costly. Mr. Sheffler clarifies and emergency provision can be made for an emergency key but there are no specifics outlined. Dr. Henggeler indicates she is more comfortable with a video tape to see who is in and out of the pharmacy, though the sign-in log for physicians appears to be sufficient to create accountability. Dr. Chopski wants the Memorandum of Understanding to include specific language regarding returned meds. The board will visit ACHC in Council on July 30, 2008.

Dr. Chopski wants consistency of 'pharmacy manager' versus 'pharmacist in charge' along with all the acronyms that are being used for automated pharmacy machines. Board grants unanimous consent for Mr. Johnston to create PARF toward this end.

Emergency Suspension Hearing of Richard Anderson, R.Ph. controlled substance registration initiates. Mr. Anderson and his legal council Mr. Burkett appear via telephone, as does Melissa Moody, DAG. Ms. Gurnsey motions to accept Ms Moody's recommendation that this matter be referred to a hearing officer. Mr. Sheffler seconds. Motion carries unanimously. Mr. Johnston will contact Mr. Anderson's attorney with the hearing officer's information.

ISU College of Pharmacy Dean Joseph Steiner and Associate Dean Paul Cady appear before the board requesting permission to take over the tracking of extern hours for the board. ISU requires 1640 hours for graduation and proposes sharing an employee with the board. Proposal is for \$110,000 for a pharmacist position with 25% of the funds coming from the board. Unanimous consent to research the topic. Ms. Gurnsey wants to clarify the costs of a shared employee, motions to seek 25% cost (\$25,000 to \$30,000) of shared employee to be revisited each year if approved. Dr. Henggeler seconds; motion carries unanimously.

After much discussion with Dean Steiner and Cady regarding rules 010 to 113, Mr. Johnston requests approval to rework these rules related to externs/interns, etc. Approval granted via unanimous consent.

Pam Eaton of the Idaho Retailers Association presents on the elimination of pharmacy technician ratio. The topic was discussed at length with much public comment, including Dan Luce, Don Smith, Kris Jonas, Derrick Garn, Ron Lavigne, Lis Houchen of NACDS, Kent Alexander, and Paul Cady. Mr. Fraser would like more information about desired changes and Emily's Act before moving forward with legislation. Mr. Sheffler motions to have Mr. Johnston create a PARF related to changes in the technician ratio. Dr. Chopski seconds; 3 for Dr. Henggeler against. Motion carries.

Mr. Collings presents a stipulation and order for Certified Euthanasia Technician Cassandra Cole that mirrors the Board of Veterinary Medicine's stipulation and order. Dr. Chopski motions to accept the stipulation; Mr. Sheffler seconds, motion carries unanimously.

Mr. Collings presents a stipulation and order for Michael Sornson, MD. stipulation and order that reflect some changes from the Board of Medicine's stipulation and order. Mr. Sheffler motions to accept the stipulation and order as written; Dr. Henggeler seconds, motion carries unanimously.

Mr. Collings presents the stipulation and order regarding Alan Kohal, RPh. Mr. Kohal appears on his own behalf. Mr. Sheffler motions to accept the stipulation and order as written; Dr. Henggeler seconds, motion carries unanimously.

Mr. Johnston presents legislation and rule review information and seeks approval for the following changes:

Rule 469 Prescription Reporting ~ add schedule V drugs. Unanimous consent to move forward with the change.

Rule 458 ~ Change wording to 'No order shall be filled more than 90 days after the date the order was written' to align with DEA. Unanimous consent to move forward with the change.

Rule 156 ~ Various changes regarding the term and responsibility of registered pharmacy manager versus pharmacist in charge; PIC is a statutory term; who is responsible for reporting to the Board for changes in pharmacy employment. Board desires 10 day reporting as opposed to current 5 day. Unanimous consent to move forward with the change.

Rule 404 ~ Wholesalers \$100 licensing fee move up to \$130 to cover fingerprinting costs; 405.01 changes to move preceptor site to #404 and extern expiration to 7/15/08. Unanimous consent to move forward with the change.

Rule 134: Correct ACPE name and new terminology regarding CE. Unanimous consent to move forward with the change.

Rule 323 ~ Changes to mimic 2008 Statute Changes relating to wholesalers. Unanimous consent to move forward.

Rule 159 ~ Proposed language from Medicaid re tamper resistant pads. Unanimous consent to move forward.

Rule 187 ~ Omnicare did not present their own language regarding a formulary for nursing homes. Mr. Johnston requests assistance with language for the PARF. Unanimous consent to move forward with wording research and PARF.

Rule 496.04 ~ CS Inventory Change 'same date' to 'within the same week' or similar language. Unanimous consent to move forward.

Rule 251.05 : clarifies the Board's authority to discipline pharmacy technicians, similar to pharmacists. Unanimous consent to move forward.

Rule 165: renames from pharmacotherapy to pharmaceutical care, allowing for future cognitive pharmacy rules to be added. Rewords existing pharmacotherapy section to align with NABP model rules, clarifying. Unanimous consent to move forward.

Mr. Johnston presents his calendar and an overview of travel & meetings attended, and the status of the board budget. Mr. Johnston notes he has enjoyed giving CE around the state and meeting various people.

Next board meeting set for July 30, 2008 in Boise with a board trip to Council, Idaho on July 31, 2008 to see the remote dispensing pharmacy.

Ms. Gurnsey motions for Dr. Chopski to be vice chairperson of the board; Dr. Henggeler seconds; motion carries unanimously.

Mr. Johnston opens the discussion to retain Southworth & Associates for administration of a Pharmacist Recovery Network. Ms. Gurnsey left the meeting at 5:30 p.m. Quorum consent to begin negotiations with Mr. Southworth.

Dr. Chopski motions to adjourn the meeting, Dr. Henggeler seconds, and motion carries unanimously.

Meeting adjourned 6:11 p.m.