

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

August 11, 2006

**AMERITEL INN SPECTRUM
BOISE, IDAHO**

Chairman Dwayne Sheffler called the meeting to order at 8:20 AM. In attendance were board members Kitty Gurnsey, Frank Casabonne R.Ph. and Mike Merrill. Richard Jones was not present but was able to attend the meeting via conference phone. Also in attendance were Richard Markuson, Executive Director, Kent Nelson, Deputy Attorney General, Mike McPeck, Deputy Attorney General, Cheri Bush, Deputy Attorney General, Fred Collings, Senior Investigator and Jan Atkinson, Senior Compliance Officer.

Kitty Gurnsey motioned to approve the minutes from the April 28, 2006 board meeting as written. Frank Casabonne seconded the motion. Motion unanimously carried.

In the matter of pharmacist Anthony Rudd's Voluntary Surrender of his Pharmacist License and Controlled Substance Registration, Frank Casabonne motioned to suspend both his license and registration indefinitely. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Deputy AG Cheri Bush requested that the Board amend the agenda to include a proposed Order for Physician Assistant Lisa Rossetti. Kitty Gurnsey motioned to amend the agenda as requested. Mike Merrill seconded the motion. Motion unanimously carried.

In the matter of PA Lisa Rossetti's Voluntary Surrender of her Controlled Substance Registration, Kitty Gurnsey motioned to revoke her CS Registration. Mike Merrill seconded the motion. Motion unanimously carried.

Regarding citation # 1815 issued to pharmacist Ron Lavigne; Mike Merrill made a motion to fine Mr. Lavigne \$200.00, place a letter of reprimand in his file and order Mr. Lavigne to comply with the Board directive. Richard Jones seconded the motion. Frank Casabonne opposed the motion. Motion carried. Richard Jones recommended that board members and staff review Mr. Lavigne's suggestions on the technician and clerk issues and take them under advisement.

Regarding citation # 1296 issued to pharmacist Morgan Mitchell; Mike Merrill made a motion to fine Mr. Mitchell \$100.00 and place a letter of reprimand in his file. Richard Jones seconded the motion and recommended that Mr. Morgan review and correct existing pharmacy procedures for generating a new prescription from an existing prescription in the patient's profile. Motion unanimously carried.

In the matter of Liberty Huggin's technician registration and the Board's Complaint and Notice of Hearing; with no testimony available from Ms. Huggins, Kitty Gurnsey made a motion to revoke Ms. Huggin's technician registration. Frank Casabonne seconded the motion. Motion unanimously carried.

Following Board action revoking Liberty Huggin's pharmacy technician registration, Ms. Huggin's contacted the board meeting by phone and ultimately via conference call requested permission to address the board members regarding her case. Mike Merrill motioned to reopen the proceedings and allow Ms. Huggins to address the Board. Kitty Gurnsey seconded the motion. Following the proceedings, Ms. Gurnsey requested unanimous consent from the board members to continue to the original motion. Unanimous consent obtained and original motion carried.

Regarding the matter of the Complaint and Notice of Hearing for pharmacy technician Nicole Marie Sullivan; Mike Merrill made a motion to revoke Ms. Sullivan's technician registration. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding the matter of pharmacist George Harvey; Richard Jones made a motion to reinstate Mr. Harvey's pharmacist license without restriction and releasing him from probation. Frank Casabonne seconded the motion. Motion unanimously carried.

Larry Munkelt, Director of Pharmacy of St. Alphonsus RMC, presented information on a proposed Tech-Check-Tech program. Both St Alphonsus and St Luke's are in support of this program to optimize pharmacists' services in an inpatient setting and allowing pharmacists to be more readily available for patient care. Upon completion of the proposed six-month pilot program which would be implemented by St Al's, the results if this test program would be shared and discussed by the Board. The Board advised Mr. Munkelt that the proposed pilot program would require a rule revision in lieu of the requested variance request. The possibility for a temporary rule was discussed based on several safety issues identified in the program literature. Board members Dwayne Sheffler and Richard Jones volunteered to observe an existing Tech-Check-Tech program with Mr. Munkelt and to work with the Board's attorney to review this issue further.

Regarding the matter of pharmacist Charles Davis's Voluntary Surrender of his Pharmacist License and Controlled Substance Registration; Richard Jones motioned to suspend Mr. Davis's pharmacist license indefinitely and based on the letters submitted from his counselor and physician Mr. Jones also encouraged Mr. Davis to develop a proposed Stipulation with Deputy AG Cheri Bush and Fred Collings. Frank Casabonne seconded the motion. Motion unanimously carried.

Llyn Lloyd, PIC of Life's Door Pharmacy, appeared before the Board to request a variance or waiver to provide an emergency kit for a limited number and quantity of controlled substances to be accessed "after pharmacy hours" by authorized nursing staff. Mr. Lloyd equates this request to the use of "limited" emergency medications that are available to nursing home personnel from approved emergency kits. Although board members acknowledged the merit of this type of emergency "after hours" access, Life's Door Pharmacy is licensed as a Limited Service Pharmacy which does not allow after hours access to the pharmacy by nursing staff or distribution of emergency boxes stored outside the pharmacy to be accessed by authorized nursing staff. Since emergency kits fall under state and federal regulations the Board does not have the authority to override federal law and allow a lock box or access to medications after hours, except by a pharmacist.

Sam Hoagland, President-Elect ISHP, Doug Schoonover, President ISHP, Tricia Killingsworth, Secretary/Treasurer, Kellina James, Chair of the Council of Technicians and Allen Frisk R.Ph. requested the Board approve the proposed rule changes to BOP Rule 251 for implementing certification of pharmacy technicians. The Idaho Pharmacy Leadership Council has taken the stand that Idaho should require that pharmacy technicians be certified and tasked ISHP to draft the proposed language to require certification. During discussions by several board members, Frank Casabonne stated that certification should be left up to the individual employer. Dwayne Sheffler added that although his techs have certification he would not support the Board in requiring certification for all technicians. Kitty Gurnsey made a motion that the Board would not support ISHP's proposal for certification at this time. Richard Jones seconded the motion. Motion unanimously carried.

Paul Cady, representing ISPA requested that the Board pursue legislation that would include pharmacists in the definition of a practitioner. ISPA had previously proposed similar legislation but meant with resistance from the IMA and also Blue Shield/Blue Cross with reimbursement concerns. The Board unanimously supports both ISPA and ISHP to include pharmacists in the definition of practitioner and

directed Mr. McPeek and Mr. Markuson to look into the feasibility of changing the definition of a practitioner.

Erwin Teuber Ph.D., Executive Director of Terry Reilly Health Services requested Board approval to allow their TRHS Caldwell Clinic to operate a remote dispensing pharmacy utilizing the Nampa Pharmacy as the Contract Pharmacy. After Board discussion and further review board members felt that further review of the existing pilot project in Council is required before the Board is equipped to determine whether they are willing to undertake another pilot program. In addition, the remote dispensing pharmacies were designed for rural underserved areas and are not authorized for communities that already have pharmacy services.

Richard Markuson reviewed proposed legislation: Revisions to Idaho Code Section 54-1747, changing the minimum days per week which mail service pharmacies are required to maintain toll-free telephone service from six days to five; Revisions to Idaho Code Section 54-1727, allowing prescription and patient information to be released to law enforcement agents upon presentation of a search warrant or court order. Also discussed was a revision to Rules 142, Standards of Conduct and new Rule 471, Theft and Loss Report; and temporary Rules 265-269, Remote Dispensing Pharmacy and temporary Rule 464, filling of a Prescription for a Controlled Substance. Mike Merrill requested that the Board consider future legislation regarding PBMs. Mr. Merrill also discussed developing similar legislation to Maine's PBM Statute that was recently upheld by the US Supreme Court.

The Board also addressed Jonathan Reynolds, Pharm D, representing WSU, and his request for information on WSU student rotations in Idaho. Each WSU pharmacy student is required to obtain an Idaho Intern/Extern registration and each site where the student has rotations must be licensed as a Preceptor Site.

The Board members reviewed and approved Mr. Markuson's Travel Expenses for the past 3 months.

By unanimous consent the board members appointed Kitty Gurnsey Chairman of the Board and Mike Merrill as Vice Chairman of the Board. The board members also thanked Deputy AG Kent Nelson for his service representing the Board on legal matters and Frank Casabonne for his dedication to the practice of pharmacy while serving on the Board.

Future meetings include: Board meeting date of November 17, 2006 in Boise. NABP/District VII – VIII Meeting, October 4-8, 2006 in Anaheim, CA. Richard Markuson and Jan Atkinson to represent Idaho. NABP Fall Conference, November 2-5, 2006 in Savannah, Georgia. Member attendance to be determined

Mike Merrill motioned to adjourn the meeting. Frank Casabonne seconded the motion. Meeting adjourned.

